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1903

Suppl.

1905







COMPILED STATUTES  
OF  
THE UNITED STATES  
SUPPLEMENT 1905

EMBRACING THE STATUTES OF THE UNITED STATES OF  
A GENERAL AND PERMANENT NATURE ENACTED  
SINCE MARCH 4, 1901, AND IN FORCE  
MARCH 4, 1905

INCORPORATING UNDER THE HEADINGS OF THE REVISED STATUTES  
THE SUBSEQUENT LAWS, TOGETHER WITH EXPLAN-  
ATORY AND HISTORICAL NOTES

Compiled by JOHN A. MALLORY  
ASSISTED BY MEMBERS OF THE PUBLISHERS' EDITORIAL STAFF

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1905

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1935.07 West.





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THE  
COMPILED STATUTES  
OF THE  
UNITED STATES  
SUPPLEMENT 1905

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SUPP. '05-1

(1)\*



# TITLE I.

## GENERAL PROVISIONS.

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### CHAPTER TWO.

#### **Form [and Enactment] of Statutes and Effect of Repeals.**

##### **Sec. 7.**

###### **Enacting clause.**

All laws passed by the Philippine Commission shall have an enacting clause, as follows: "By authority of the United States be it enacted by the Philippine Commission"—by a provision of an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, Act July 1, 1902, c. 1389, § 1, 32 Stat. 691.

##### **Sec. 11.**

###### **Title of appropriation acts.**

No act of Congress is to be construed to make an appropriation out of the Treasury of the United States unless such act, in specific terms, declares an appropriation to be made for the specified purpose or purposes, by a provision of Act July 1, 1902, c. 1351, set forth post, under Title XLI, "Appropriations."

#### **ACT MARCH 2, 1895, c. 177, § 1.**

###### **Engrossing and enrolling of bills and joint resolutions.**

Besides the provisions for the printing of bills and joint resolutions set forth in the note to the provision of Act March 2, 1895, c. 177, § 1, Comp. St. 1901, p. 6, the printing of bills and resolutions was provided for by Act Jan. 12, 1895, c. 23, § 55, Comp. St. 1901, p. 2554, which is amended by Act Jan. 20, 1905, c. 50, to read as set forth in that act, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

## TITLE II.

# THE CONGRESS.

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### CHAPTER FOUR.

#### Compensation of Members.

##### Sec. 35.

##### Salaries of members of Congress.

The repeal, by Act Jan. 20, 1874, c. 11, set forth in Comp. St. 1901, p. 16, of so much of Act March 3, 1873, c. 226, § 1, incorporated in part in Rev. St. § 35, and other sections of this chapter, as provided "for the increase of the compensation of public officers and employes, whether members of Congress, delegates, or others, except the President of the United States and the justices of the Supreme Court," and the further provision of Act Jan. 20, 1874, c. 11, that "the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act" of March 3, 1873, c. 226, § 1, operated as a repeal of so much of Rev. St. § 35, as fixed the amount of the salary of each Senator, Representative, and Delegate at \$7,500, and restored, as the law previously in force on the subject, the provisions of Act July 28, 1866, c. 296, § 17, set forth below.

##### ACT JULY 28, 1866, c. 296, § 17.

##### Pay and mileage of Senators, Representatives, and Delegates in Congress.

And be it further enacted, That the compensation of each Senator, Representative, and Delegate in Congress shall be five thousand dollars per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session; but nothing herein contained shall affect mileage accounts already accrued under existing laws: Provided, That hereafter mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives: And provided further, That the pay of the Speaker shall be eight thousand dollars per annum.

Act July 28, 1866, c. 296, § 17, 14 Stat. 323.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1867. It was superseded by the provisions of Act March 3, 1873, c. 226, § 1, for increased compensation, which were incorporated into the Revised Statutes; but on the repeal of those provisions, by Act Jan. 20, 1874, c. 11, Comp. St. 1901, p. 16, this section was revived, by express provision of said repealing act, as part



of "the laws in force at the time of the passage of said act" so repealed.

## **Sec. 37.**

### **Salary of Speaker of the House.**

The repeal, by Act Jan. 20, 1874, c. 11, set forth in Comp. St. 1901, p. 16, of that part of the provisions of Act March 3, 1873, c. 226, § 1, which was incorporated in Rev. St. § 37, and the further provision of said Act Jan. 20, 1874, c. 11, as stated in the above note under Rev. St. § 35, operated as a repeal of so much of Rev. St. § 37, as fixed the amount of the salary of the Speaker at \$10,000, and restored, as the law previously in force on the subject, the provision of Act July 28, 1866, c. 296, § 17, set forth ante, under Rev. St. § 35, which fixed his salary at \$8,000.

## **Sec. 45.**

### **Salary in lieu of all allowances, except traveling.**

The repeal, by Act Jan. 20, 1874, c. 11, set forth in Comp. St. 1901, p. 16, of so much of Act March 3, 1873, c. 226, § 1, incorporated in part in Rev. St. §§ 35, 45, and in other sections of this chapter, as provided for the increase of the compensation of Senators, Representatives, and Delegates in Congress, and the further provision of Act Jan. 20, 1874, c. 11, that their salaries, compensation, and allowances should be as fixed by the laws in force at the time of the passage of said act of March 3, 1873, c. 226, § 1, operated as a repeal of so much of Rev. St. § 45, as provided for the payment to Senators, Representatives, and Delegates of "actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, or Delegate belongs," and restored, as the law previously in force on the subject, the provision of Act July 28, 1866, c. 296, § 17, set forth ante, under Rev. St. § 35, which fixed the compensation of each Senator, Representative, and Delegate at \$5,000 per annum, "and in addition thereto mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session."

## **Sec. 47.**

### **Certificate of salary and accounts.**

By a proviso annexed to Act July 28, 1866, c. 296, § 17, set forth ante, under Rev. St. § 35, which was incorporated into Rev. St. § 47, and was restored to force by Act Jan. 20, 1874, c. 11, as stated in the above note under Rev. St. § 45, "mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives."

The Speaker is authorized to designate a substitute to sign for him all certificates required by Rev. St. § 47, by a provision of Res. Nov. 12, 1901, No. 1, set forth below.

### **RES. NOV. 12, 1903, No. 1. [H. J. R. 14.]**

Joint Resolution Making Immediately Available the Appropriations for Mileage of Senators and Members of the House of Representatives, and for Other Purposes. (33 Stat. 1.)

### **Substitute for Speaker to sign certificates for salary and accounts.**

Resolved, &c., \* \* [Part of resolution omitted makes immediately available appropriations for mileage.]

Resolved, That the Speaker is authorized to designate from time to time some one from among those appointed by him and appropriated for and employed in his office, whose duty it shall be under the direction of the Speaker to sign in his name and for him all certificates required by section forty-seven of the Revised Statutes for salary and accounts for traveling expenses in going to and returning from Congress of Representatives and Delegates.

Resolved, \* \* [Remainder of resolution makes immediately available appropriations for compensation of session employees of the Senate and House of Representatives.]

Res. Nov. 12, 1903, No. 1, 33 Stat. 1.

## Sec. 51.

**ACT MARCH 2, 1895, c. 177, § 1.**

### **Clerks to Senators.**

The usual annual appropriation for clerks to Senators who are not chairmen of committees, mentioned in the note under the provision of this act set forth in Comp. St. 1901, p. 21, is repeated in the legislative, executive, and judicial appropriation acts for each of the fiscal years ending June 30, 1903, June 30, 1904, June 30, 1905, and June 30, 1906. Thirty-five such clerks are authorized by the last provision, which is as follows:

"For thirty-five annual clerks to Senators who are not chairmen of committees, at one thousand five hundred dollars each, fifty-two thousand five hundred dollars." Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 633.

**ACT JULY 7, 1898, c. 571, § 1.**

### **Clerks to Representatives.**

The usual annual appropriation for clerk hire to Members of the House of Representatives and Delegates, mentioned in the note under the provision of this act set forth in Comp. St. 1901, p. 22, is repeated in the legislative, executive, and judicial appropriation acts for each of the fiscal years ending June 30, 1903, June 30, 1904, June 30, 1905, and June 30, 1906, the last provision being as follows:

"For clerk hire, Members and Delegates: To pay Members and Delegates the amounts which they certify they have paid or agreed to pay for clerk hire, necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March third, eighteen hundred and ninety-three, House resolutions adopted May eighth, eighteen hundred and ninety-six, and January fifteenth, nineteen hundred and two, and the deficiency appropriation Act approved July seventh, eighteen hundred and ninety-eight, four hundred and sixty-six thousand eight hundred dollars, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section thirty-one of the Revised Statutes of the United States, shall be entitled to payment under this appropriation." Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 633.

The appropriations for clerks, etc., and for stenographers to committees of the House, for the fiscal year ending June 30, 1906, are also contained in Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 635, 638.

## CHAPTER FIVE.

**Officers and Persons in the Employ of the Senate and House of Representatives.****Sec. 52.****Officers and employés of Senate.**

The appropriations for the officers, clerks, and employés in the service of the Senate for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 631-633.

An Assistant Secretary of the Senate is authorized by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

**ACT JUNE 20, 1874, c. 328, § 1.****Limit of compensation of Sergeant-at-Arms of Senate.**

The usual annual appropriation for the Sergeant-at-Arms and Door-keeper of the Senate, of \$4,500, and an additional sum for horse and wagon for his use, is repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 632.

**ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]****Assistant Secretary of the Senate.**

There shall be employed in the office of the Secretary of the Senate an Assistant Secretary of the Senate (Henry M. Rose), at an annual salary of five thousand dollars, and the sum of six thousand six hundred and twenty-five dollars is hereby appropriated for the balance of the present fiscal year and for the fiscal year ending June thirtieth, nineteen hundred and six.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1245.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above.

**Sec. 53.****Officers and employés of House of Representatives.**

The appropriations for the officers, clerks, and employés in the service of the House of Representatives for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 634-638.

**ACT JUNE 20, 1874, c. 328, § 1.****Limit of compensation of Sergeant-at-Arms of House.**

The usual annual appropriation for the Sergeant-at-Arms of the House, of \$4,500, is repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 636.

**Sec. 54.****ACT JUNE 22, 1874, c. 388, § 1.****Pay of official reporters.**

The usual annual appropriations for reporting the debates and proceedings of each house, the Senate, \$25,000, the House of Representatives, \$31,200, are repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1906, c. 297, § 1, 33 Stat. 634, 638.

**Sec. 59.****ACT OCT. 1, 1890, c. 1256, § 8.****Employees in office of Sergeant-at-Arms of House.**

The appropriation for the office of the Sergeant-at-Arms of the House for the fiscal year ending June 30, 1906, is contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1906, c. 297, § 1, 33 Stat. 636.

**Sec. 64.****Statements of appropriations and offices.**

An appropriation for the preparation of the statement required by this section and the subsequent provisions set forth under it is made by the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1906, is contained in Act March 3, 1905, c. 1483, § 1, 33 Stat. 1211.

**Sec. 76.****Payments from contingent fund.**

Further restrictions on expenditure of appropriations for contingent expenses of either House of Congress, besides those contained in Rev. St. § 3680, Comp. St. 1901, p. 2455, are imposed by a provision of Act Feb. 14, 1902, c. 17, post, under Title XLI, "Appropriations."

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## CHAPTER SIX.

**The Library of Congress.****Sec. 82.****Joint Committee on Library.**

The number of members of each house constituting the committee is increased by Res. Feb. 7, 1902, No. 5, set forth below.

**RES. FEB. 7, 1902, No. 5.**

Joint Resolution Increasing the Membership of the Joint Committee of Congress upon the Library. (32 Stat. 735.)

**Joint Committee on Library increased.**

Resolved, &c., That the Joint Committee of Congress upon the Library, authorized by section eighty-two of the Revised Statutes, shall hereafter consist of five members of the Senate and five members of the House of Representatives.

Res. Feb. 7, 1902, No. 5, 32 Stat. 735.

**Secs. 88-91.****ACT FEB. 19, 1897, c. 265, § 1.****Librarian of Congress, officers and employes, and Superintendent of Library building and grounds.**

The appropriations for the Library, and for the custody, care, and maintenance of the Library building and grounds, for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 639-642.

**Sec. 94.****Persons specially privileged to use Library.**

The sale to the public of copies of the card indexes and other publications of the Library is authorized by a provision of Act June 28, 1902, c. 1301, § 1, set forth below.

**ACT JUNE 28, 1902, c. 1301, § 1.****Sale of copies of card indexes and other publications.**

The Librarian of Congress is hereby authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and ten per centum added, and all moneys received by him shall be deposited in the Treasury.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 480.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

**Sec. 98.****Deposit in Library of journals of Senate and House.**

The transfer to the Library of books, etc., from executive departments, bureaus, or commissions, is authorized by Res. Feb. 21, 1902, No. 6, and by a provision of Act Feb. 25, 1903, c. 755, § 1, set forth below.

**RES. FEB. 21, 1902, No. 6.**

Joint Resolution Authorizing the Transfer to the Library of Congress of the Library of State Reports, and so forth. (32 Stat. 736.)

**Transfer to Library of books and papers of Industrial Commission.**

Resolved, &c., That all volumes and pamphlets published by the several States and Territories and collected by the Industrial Commission, also official minutes of the Commission and files of correspondence, are hereby directed to be turned over by the Industrial Commission to the Librarian of Congress, subject to the further orders of Congress.

Res. Feb. 21, 1902, No. 6, 32 Stat. 736.

**ACT FEB. 25, 1903, c. 755, § 1.**

**Transfer to Library of books, etc., from departments, bureaus, or commissions.**

The head of any Executive department or bureau or any commission of the Government is hereby authorized from time to time to turn over to the Librarian of Congress, for the use of the Library of Congress, any books, maps, or other material in the library of the department, bureau, or commission no longer needed for its use, and in the judgment of the Librarian of Congress appropriate to the uses of the Library of Congress.

Any books of a miscellaneous character no longer required for the use of such department, bureau, or commission, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, be turned over to that library for general use as a part thereof.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 865.

These are provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above.

# TITLE III.

## THE PRESIDENT.

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### CHAPTER TWO.

#### Office and Compensation of the President.

##### Sec. 155.

###### Officers of the President's household.

The appropriations for the officers, clerks, and employes in the office of the President for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 642.

The appointment of an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office is authorized by a provision of Act March 2, 1903, c. 975, set forth post, under Title XIV, "The Army," c. 1.

The detail of employes of the Executive Departments and other Government establishments to the office of the President for temporary assistance is authorized by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

**ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]**

###### **Detail of employes of Executive Departments and other Government establishments to the office of the President.**

\* \* That employees of the Executive Departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 642.

This is a proviso annexed to the appropriation for officers, clerks, and employes in the office of the President, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

# TITLE IV.

## PROVISIONS APPLICABLE TO ALL THE EXECUTIVE DEPARTMENTS.

### Sec. 158.

#### **Application of provisions of this Title.**

This section is amended to include the Department of Commerce and Labor, and the provisions of this Title of the Revised Statutes, including all amendments thereto, are made applicable to said Department, by Act Feb. 14, 1903, c. 552, § 1, post, under Title XII A, "The Department of Commerce and Labor."

### Sec. 159.

#### **Word "Department."**

The Department of Commerce and Labor is included in this definition by Act Feb. 14, 1903, c. 552, § 1, post, under Title XII A, "The Department of Commerce and Labor."

### Sec. 160.

#### **Salaries of heads of Departments.**

The Secretary of Commerce and Labor receives a salary of \$8,000 per annum, by a provision of the act establishing that Department, Act Feb. 14, 1903, c. 552, § 1, post, under Title XII A, "The Department of Commerce and Labor."

### Sec. 161.

#### **Departmental regulations.**

The application of this section to the Post Office Department is not to be affected by anything contained in the postal service appropriation act of April 28, 1904, c. 1759, § 1, by a provision of that act set forth below.

**ACT APRIL 28, 1904, c. 1759, § 1. [H. R. 13521.]**

#### **Departmental regulations not affected by provisions of act.**

\* \* That nothing in this Act contained shall be construed to repeal or in any manner modify section one hundred and sixty-one of the Revised Statutes of the United States in its application to the Post-Office Department.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 439.

This is a proviso annexed to the appropriations for the free delivery service in the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.



## Sec. 162.

**ACT MARCH 3, 1893, c. 211, § 5.**

### **Hours of labor and leaves of absence of clerks and other employes.**

In addition to the provisions for leaves of absence to various officers referred to in the note to this section, in Comp. St. 1901, p. 81, such leaves to employes of certain bureaus of the Department of Agriculture, outside of the city of Washington, are authorized by various provisions set forth post, under Title XII, "The Department of Agriculture."

## Sec. 167.

### **Salaries of persons employed in the Departments.**

The annual compensation of officers, agents, and employes of the United States is to be divided into twelve equal installments, one of which shall be the pay for each calendar month, and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the rate to be paid for each day, by Act April 28, 1904, c. 1762, § 4, set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

## Sec. 178.

### **Vacancies in subordinate offices.**

The senior commissioned medical officer, detailed for duty in the Public Health and Marine Hospital Bureau at Washington, having charge of the administrative divisions thereof, is the "assistant," within the meaning of this section, by Act July 1, 1902, c. 1370, § 3, post, under Title LVIII, "The Public Health."

## Sec. 182.

**ACT MARCH 28, 1896, c. 73.**

### **Commissions of officers under Secretaries of Departments.**

Similar provisions relating to officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor are contained in Act March 3, 1905, c. 1422, set forth below.

Other similar provisions, relating to commissions of officers under the direction and control of the Secretary of the Interior, are contained in Act March 3, 1875, c. 131, § 14, Comp. St. 1901, p. 251, and relating to commissions of judicial officers and other officers under the Department of Justice, in Act Aug. 8, 1888, c. 786, Comp. St. 1901, p. 205. The effect of these acts, taken together, is to require all commissions to be made out and recorded in the Department in which the officer is to serve.

**ACT MARCH 3, 1905, c. 1422. [S. 6744.]**

An Act Relative to the Commissions of Officers who are under the Direction and Control of the Postmaster-General and the Secretary of Commerce and Labor, Respectively. (33 Stat. 990.)

### **Commissions of officers under Postmaster-General and Secretary of Commerce and Labor.**

Be it enacted, &c., That hereafter the commissions of all officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor shall be made out and recorded in the

Post-Office Department and the Department of Commerce and Labor, respectively, and the Department seal affixed thereto, any laws to the contrary notwithstanding: Provided, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. And all commissions heretofore issued by the Department of Commerce and Labor with the seal of that Department affixed are hereby declared legal and valid.

Act March 3, 1905, c. 1422, 33 Stat. 900.

This act supersedes provisions of Rev. St. § 395, and Act March 18, 1874, c. 57, Comp. St. 1901, pp. 223, 224, relating to commissions of postmasters and others.

## Sec. 185.

### **Witnesses' fees.**

Fees allowed witnesses in United States courts are prescribed by Rev. St. § 848, and Act Aug. 3, 1892, c. 361, following that section, Comp. St. 1901, pp. 654, 655.

## Sec. 192.

### **Expenditures for newspapers.**

Special expenditures for newspapers, not subject to the limitation of this section, are authorized, by various appropriations for the fiscal year ending June 30, 1906, as follows:

For the Bureau of Labor, in the Department of Commerce and Labor, for the purpose of procuring strike data, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 682.

For the military information division, General Staff Corps, Act March 2, 1905, c. 1307, 33 Stat. 827.

## Sec. 193.

### **Annual report of expenditure of contingent funds.**

Provisions authorizing the Public Printer to furnish certain supplies to the departments, subsequent to the provisions for printing and binding referred to in the note under this section, in Comp. St. 1901, p. 96, are contained in Act June 28, 1902, c. 1301, § 1, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

The Surgeon General of the Public Health and Marine Hospital Service is required to transmit annually to the Secretary of the Treasury for transmission to Congress a full and complete report of the transactions of the Service, including a detailed statement of receipts and disbursements, by Act July 1, 1902, c. 1370, § 9, post, under Title LVIII, "The Public Health."

Restrictions on payments from appropriations of expenses of horses, carriages, etc., for personal use of officers, or for purchasing, maintaining, driving, or operating carriages or vehicles for the personal or official use of any officer or employé of any of the Executive Departments or other Government establishments at Washington, D. C., contained in Act March 18, 1904, c. 716, § 1, and Act Feb. 3, 1905, c. 297, § 1, are set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

Restrictions on the use of appropriations made for printing and binding, and on the printing of books and documents for the Executive Departments, contained in Acts March 3, 1905, c. 1483, § 1, and c. 1484, § 1, are set forth post, under Title XLV, "Public Printing, Advertisements, and Documents."

**Sec. 197.** [*As amended 1877.*]**Inventories of property.**

The Secretary of Commerce and Labor has charge, in the buildings or premises occupied by or appropriated to the Department of Commerce and Labor, of the library, furniture, fixtures, records, and other property of the Department, by provisions of the act to establish the Department, Act Feb. 14, 1903, c. 552, § 9, post, under Title XII A, "The Department of Commerce and Labor."

# TITLE V.

## THE DEPARTMENT OF STATE.

### Sec. 200.

#### Assistant Secretaries of State.

The appropriation for the compensation of the Assistant Secretaries for the fiscal year ending June 30, 1906, is, for Assistant Secretary, \$4,500; Second and Third Assistant Secretaries, \$4,500 each. Act Feb. 3, 1906, c. 297, § 1, 33 Stat. 643.

### Sec. 201.

#### Subordinate officers, etc.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 643, 644.

An assistant solicitor for the Department was authorized by appropriations in Act April 17, 1900, c. 192, § 1, the provision of which is set forth below, and in subsequent acts. The office of solicitor for the Department is provided for by Rev. St. § 349, and Act March 3, 1891, c. 541, § 1, Comp. St. pp. 203, 204.

A law clerk and an assistant law clerk, to edit the laws of Congress and perform other duties, are authorized by provisions of Act March 3, 1901, c. 830, § 1, and subsequent acts, set forth or referred to below.

A bureau to obtain information for the Department of Commerce and Labor is established in the Department by Act Feb. 14, 1903, c. 552, § 11, set forth below.

#### ACT FEB. 20, 1897, c. 268.

#### Bureau of Foreign Commerce.

The Bureau of Foreign Commerce is transferred from the Department of State to the Department of Commerce and Labor, and consolidated with the Bureau of Statistics, transferred in like manner from the Department of the Treasury, to constitute one Bureau, to be called the Bureau of Statistics, by provisions of the act to establish the Department of Commerce and Labor, Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor."

#### ACT APRIL 17, 1900, c. 192, § 1.

#### Assistant Solicitor.

\* \* Assistant Solicitor of the Department of State, to be appointed by the Secretary of State, two thousand five hundred dollars; \* \*

Act April 17, 1900, c. 192, § 1, 31 Stat. 97.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1901, cited above. It is repeated in the subsequent similar acts, Act March 3, 1901, c. 830, § 1, 31 Stat. 972, Act April 28, 1902, c. 594, § 1, 32 Stat. 132, and, with

an increase of salary to \$3,000, in Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 866, Act March 18, 1904, c. 716, § 1, 33 Stat. 97, and Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 643.

**ACT MARCH 3, 1901, c. 830, § 1.**

**Law clerk, to edit laws, etc.**

\* \* for a law clerk, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as he may require of him, at two thousand five hundred dollars per annum, to be available from March fourth, nineteen hundred and one. \* \*

• Act March 3, 1901, c. 830, § 1, 31 Stat. 972.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1902, cited above. It is repeated in the similar act for the next subsequent year, Act April 28, 1902, c. 594, § 1, 32 Stat. 132, and again, with an appropriation for an assistant, in a provision of Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 866, and subsequent acts set forth or referred to below.

**ACT FEB. 14, 1903, c. 552, § 11.**

**Bureau to obtain information for Department of Commerce and Labor.**

A person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Commerce and Labor; and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, such information as pertains to the work of the Department of Commerce and Labor; and such person shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistants as may from time to time be authorized by law.

Act Feb. 14, 1903, c. 552, § 11, 32 Stat. 830.

This section is a part of the act to establish the Department of Commerce and Labor, cited above, other provisions of which are set forth post, under Title XII A, "The Department of Commerce and Labor."

**ACT FEB. 25, 1903, c. 755, § 1.**

**Assistant law clerk, to edit laws, etc.**

\* \* law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at two thousand five hundred dollars and one thousand five hundred dollars, respectively; \* \*

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 866.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above. It is repeated in the subsequent similar acts, Act March 18, 1904, c. 716, § 1, 33 Stat. 97, and Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 643.

**Sec. 211.**

**Publication of commercial information.**

The provisions of this section and of subsequent acts set forth or referred to under it, in Comp. St. 1901, pp. 106, 107, relating to the pub-  
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lication by the Department of State of commercial information, may be regarded as practically superseded, to some extent, by the establishment of the Department of Commerce and Labor, the transfer to that Department from the Department of State of the Bureau of Foreign Commerce, and its consolidation with the Bureau of Statistics transferred in like manner from the Department of the Treasury, by Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor," and by provisions of that and subsequent acts for obtaining and publishing such information, which are also set forth or referred to under that Title.

# TITLE VI.

## THE DEPARTMENT OF WAR.

### Sec. 215.

#### **Subordinate officers.**

The appropriations for the officers, clerks, and employes in the Department for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 658-662. By its provisions, the appropriations for the permanent force of various offices of the Department are largely increased to provide for additions to that force by transfers from temporary rolls.

A Bureau of Insular Affairs is established in the Department by Act July 1, 1902, c. 1369, § 87, set forth below.

A General Staff Corps of the Army, to be composed of officers detailed from the Army at large, is established by Act Feb. 14, 1903, c. 553, set forth post, under Title XIV, "The Army," c. 1. Subsequent provisions forbidding the detail to or assignment to duty with any office or bureau of the War Department of clerks or other employes at headquarters of divisions, departments, or the office of the Chief of Staff, or such detail from the Department to the office of the General Staff, contained in Act Feb. 3, 1905, c. 297, § 1, and Act March 2, 1905, c. 1307, are also set forth post, under Title XIV, "The Army," c. 1.

In connection with the establishment of a department of the Army, to be known as the Military Secretary's Department, constituted of the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1, other accompanying provisions of the same act, also set forth under said Title and chapter, constitute the Adjutant-General's Office and the Record and Pension Office, previously bureaus of the War Department, a consolidated bureau to be known as the Military Secretary's Office of the War Department. Subsequent provisions relating to the bureaus so consolidated, contained in Act April 27, 1904, c. 1630, § 1, are set forth below.

#### **ACT AUG. 5, 1882, c. 389, § 1.**

#### **Skilled draftsmen, civil engineers, and other employes in office of Chief of Engineers.**

The provision of this act and of subsequent annual appropriation acts, set forth in Comp. St. 1901, p. 112, is repeated, in the same language, omitting, after the word "surveys," the words "for military defenses," in the legislative, executive, and judicial appropriation acts for the fiscal years ending June 30, 1903, and June 30, 1904, Act April 28, 1902, c. 594, § 1, 32 Stat. 151, and Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 885.

In the similar act for the fiscal year ending June 30, 1905, Act March 18, 1904, c. 716, § 1, an appropriation is made for services of skilled draftsmen and others in the office of the Chief of Ordnance, and the appropriation for such services in the office of the Chief of Engineers is repeated, as set forth below: and both provisions are repeated in the

similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 115.

Similar provisions of the same acts for employment of draftsmen, etc., in the office of the Supervising Architect in the Treasury Department, are referred to post, under Title VII, "The Department of the Treasury," c. 1; and in certain bureaus in the Navy Department, under Title X, "The Department of the Navy."

#### **ACT MAY 9, 1892, c. 62.**

##### **Record and Pension Office.**

Provisions for the compilation, by the chief of the Record and Pension office, of a complete roster of the Union and Confederate armies, are contained in Act Feb. 25, 1903, c. 755, § 1, set forth below.

The officers of the Record and Pension Office, with the officers of the Adjutant-General's Department of the Army, are constituted one department of the Army to be known as the Military Secretary's Department, and the Adjutant-General's Office and the Record and Pension Office, previously constituting bureaus of the War Department, are constituted a consolidated bureau to be known as the Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1. Subsequent provisions relating to the bureaus so consolidated, contained in Act April 27, 1904, c. 1630, § 1, are set forth below.

Provisions relating to vacancies in the office of Assistant Chief of the Record and Pension Office, and changing the title of that officer and of the Assistant Adjutant General to Military Secretary, contained in Act March 2, 1905, c. 1307, are set forth post, under Title XIV, "The Army," c. 1.

#### **ACT JULY 1, 1902, c. 1369, § 87.**

##### **Bureau of Insular Affairs.**

That the Division of Insular Affairs of the War Department, organized by the Secretary of War, is hereby continued until otherwise provided, and shall hereafter be known as the Bureau of Insular Affairs of the War Department. The business assigned to said Bureau shall embrace all matters pertaining to civil government in the island possessions of the United States subject to the jurisdiction of the War Department; and the Secretary of War is hereby authorized to detail an officer of the Army whom he may consider especially well qualified, to act under the authority of the Secretary of War as the chief of said Bureau; and said officer while acting under said detail shall have the rank, pay, and allowances of a colonel.

Act July 1, 1902, c. 1369, § 87, 32 Stat. 712.

This section is a part of the act to provide temporarily for the civil government of the Philippine Islands, cited above.

#### **ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]**

##### **Skilled draftsmen and other employes in office of Chief of Ordnance.**

The services of skilled draftsmen and such other services, not clerical, as the Secretary of War may deem necessary, may be employed in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications, to be paid from such appropriations, in addition to the amount specifically appropriated for draftsmen in the Army Ordnance Bureau: Provided, That the entire



expenditures for this purpose for the fiscal year ending June thirtieth, nineteen hundred and five, shall not exceed forty thousand dollars, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each.

Act March 18, 1904, c. 716, § 1, 33 Stat. 115.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the same language in the similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 661.

**Skilled draftsmen, civil engineers, and other employés in office of Chief of Engineers.**

The services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys to be paid from such appropriations: Provided, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and five, shall not exceed eighty thousand dollars; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each.

Act March 18, 1904, c. 716, § 1, 33 Stat. 115.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above, similar to previous provisions, beginning with Act Aug. 5, 1882, c. 380, § 1, set forth or referred to in Comp. St. 1901, pp. 112, 113. It is repeated in the same language in the similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 661.

**ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]**

**Consolidation of Adjutant General's Office and Record and Pension Office in Military Secretary's Office; appropriations made available; employés transferred to consolidated bureau.**

That whenever the office of the Adjutant-General and the Record and Pension Office shall be consolidated by operation of law, any appropriation available at the time of such consolidation, or that may thereafter become available, for the support of either of those offices shall be equally available for the support of the bureau formed by the consolidation, and all employees provided by law for either of said offices, except such employees as were transferred by the Secretary of War to the Military Information Division of the General Staff prior to April first, nineteen hundred and four, shall be regarded as employees of the consolidated bureau and shall be exclusively engaged upon the work of that bureau as required in the case of the employees of the Record and Pension Office by the Acts making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal years nineteen hundred and four and nineteen hundred and five.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 401.

This is a provision, under the head "War Department," in the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above. The consolidation of the Adjutant-General's Office and the Record and Pension Office, previously bureaus of the War Department, into

the Military Secretary's Office of the War Department, mentioned in this provision, was authorized, in connection with the establishment of a department of the Army, to be known as the Military Secretary's Department, constituted of the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1.

The requirements of the appropriation acts for the fiscal years 1904 and 1905, mentioned in this provision, are contained in Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 884, and Act March 18, 1904, c. 716, § 1, 33 Stat. 114. A similar requirement as to employes provided for by the appropriation for the Military Secretary's Office of the War Department in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is contained in that act, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 659.

Provisions as to vacancies in the office of Assistant Chief of the Record and Pension Office, and changes in the title of that officer and the title of Assistant Adjutant General, contained in Act March 2, 1905, c. 1307, are set forth post, under Title XIV, "The Army," c. 1.

## **Sec. 217.**

### **Custody of the departmental records and property.**

The compilation from the records of a complete roster of the Union and Confederate armies is authorized by a provision of Act Feb. 25, 1903, c. 755, § 1, set forth below.

The transfer of military rolls and records of wars prior to the civil war, from other Departments to the War Department, is provided for by Res. April 28, 1904, No. 35, set forth below.

### **ACT FEB. 25, 1903, c. 755, § 1.**

#### **Roster of Union and Confederate armies.**

\* \* That under the direction of the Secretary of War the Chief of the Record and Pension Office shall compile, from such official records as are in the possession of the United States and from such other authentic records as may be obtained by loan from the various States and other official sources, a complete roster of the officers and enlisted men of the Union and Confederate armies.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 884.

This is a proviso annexed to an appropriation for the Record and Pension Office in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above.

The Record and Pension Office, mentioned in this provision, is consolidated with the Adjutant-General's Office, as bureaus of the War Department, to constitute a consolidated bureau, to be known as the Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1.

### **RES. APRIL 28, 1904, No. 35. [H. J. R. 29.]**

Joint Resolution Providing for the Transfer of Certain Military Rolls and Records from the Interior and Other Departments to the War Department. (33 Stat. 591.)

#### **Military rolls and records of wars prior to civil war.**

Resolved, &c., That the military rolls and records of the Indian wars or any other wars prior to the civil war, now preserved in the Interior

or other Departments, be transferred to the War Department, to be preserved in the Record and Pension Office of that Department, and that they shall be properly indexed and arranged for use.

Res. April 28, 1904, No. 35, 33 Stat. 591.

A similar provision for the transfer to the Navy Department of naval records, rolls, etc., of wars, down to the war of the rebellion, contained in Act April 27, 1904, c. 1630, § 1, is set forth post, under Title X, "The Department of the Navy."

## Sec. 218.

### Collecting flags, etc.

The delivery of Union and Confederate battle flags to the authorities of the States in which the regiments which bore them were organized is authorized by Res. Feb. 28, 1905, No. 22, set forth below.

**RES. FEB. 28, 1905, No. 22.** [H. J. R. 217.]

Joint Resolution to Return to the Proper Authorities certain Union and Confederate Battle Flags. (33 Stat. 1284.)

### Return of Union and Confederate battle flags to State authorities.

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to deliver to the proper authorities of the respective States in which the regiments which bore these colors were organized certain Union and Confederate battle flags now in the custody of the War Department, for such final disposition as the aforesaid proper authorities may determine.

Res. Feb. 28, 1905, No. 22, 33 Stat. 1284.

## Sec. 224.

### Loss of certificate of discharge.

Further provisions for the issue of a certificate in lieu of a lost certificate, to any officer or enlisted man honorably discharged from the military service, as well as to those who served in the War of the Rebellion, as provided by this section, are made by Act July 1, 1902, c. 1353, set forth below.

**ACT JULY 1, 1902, c. 1353.**

An Act to Authorize the Secretary of War to Furnish Certificates in Lieu of Lost or Destroyed Discharges. (32 Stat. 629.)

### Certificate in lieu of lost certificate of discharge.

Be it enacted, &c., That whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge: Pro-

vided, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

Act July 1, 1902, c. 1353, 32 Stat. 629.

## Sec. 231.

### **Report of examinations of river and harbor improvements.**

Provisions directing the Secretary of War to superintend and control all property formerly under the control of the Missouri River Commission created by Act July 5, 1884, c. 229, § 1, set forth in Comp. St. 1901, p. 3530, and to expend the unexpended balances of the appropriations for such commission, are contained in Act June 13, 1902, c. 1079, § 1, post, under Title LXIII, "Rivers and Harbors," subchapter "Mississippi and Missouri River Commissions."

Provisions authorizing the Secretary of War to complete works for river and harbor improvements by contract or otherwise are contained in Act June 13, 1902, c. 1079, § 1, post, under Title LXIII, "Rivers and Harbors," subchapter "Improvement of Rivers and Harbors."

Provisions authorizing the Secretary of War to sell land or other property acquired for river and harbor improvements when no longer needed or when no longer serviceable are contained in Act June 13, 1902, c. 1079, § 5, post, under Title LXIII, "Rivers and Harbors," subchapter "Improvement of Rivers and Harbors."

## Sec. 232.

[Repealed. Act Jan. 21, 1903, c. 196, § 25.]

This section is expressly repealed by the act to promote the efficiency of the militia, and for other purposes, mentioned above, which act contains more comprehensive provisions of the same nature. Act Jan. 21, 1903, c. 196, §§ 12, 25, post, under Title XVI, "The Militia."

# TITLE VII.

## THE DEPARTMENT OF THE TREASURY.

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### CHAPTER ONE.

#### The Department.

##### Sec. 235.

**ACT MARCH 3, 1875, c. 130, § 2.**

**Organization of Department, offices, and salaries.**

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 644-650.

The appropriations for Deputy Commissioners in the office of the Commissioner of Internal Revenue for each of the fiscal years ending June 30, 1903, and June 30, 1904, are, for a Deputy Commissioner, \$4,000, and for an additional Deputy Commissioner during the fiscal year, \$3,600. Act April 28, 1902, c. 594, § 1, 32 Stat. 138. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 872. For each of the fiscal years ending June 30, 1905, and June 30, 1906, they are, Deputy Commissioner, \$4,000; Deputy Commissioner, \$3,600. Act March 18, 1904, c. 716, § 1, 33 Stat. 103. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 649.

**ACT AUG. 5, 1882, c. 389, § 1.**

**Skilled draftsmen, civil engineers, and other employés in office of Supervising Architect.**

The provision of this act and of subsequent annual appropriation acts, set forth in Comp. St. 1901, p. 127, is repeated, in substantially the language of the appropriation for the year ending June 30, 1902, as given in the note under that provision, in the legislative, executive, and judicial appropriation acts for the fiscal years ending June 30, 1903, June 30, 1904, June 30, 1905, and June 30, 1906, Act April 28, 1902, c. 594, § 1, 32 Stat. 135, Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 869, Act March 18, 1904, c. 716, § 1, 33 Stat. 100, and Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 649.

Similar provisions of the same acts for employment of draftsmen, etc., in certain offices of the War Department, are set forth or referred to ante, under Title VI, "The Department of War;" and in certain bureaus of the Navy Department, post, under Title X, "The Department of the Navy."

## CHAPTER TWO.

### The Secretary of the Treasury.

#### Sec. 248.

##### General duties of the Secretary.

The duties, powers, etc., of the head of the Department in and over the bureaus, offices, etc., transferred to the Department of Commerce and Labor, by Act Feb. 14, 1903, c. 552, are vested in the head of that Department, and the duties, powers, etc., of the Secretary of the Treasury as to shipping, seamen, etc., are transferred to the Secretary of Commerce and Labor, by Act Feb. 14, 1903, c. 552, § 10, post, under Title XII A, "The Department of Commerce and Labor."

#### Sec. 259.

##### Report of statistics.

The Bureau of Statistics, mentioned in this section, is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the Secretary of the Treasury in or over it, and any business arising therefrom or pertaining thereto, are transferred to the head of that Department, by Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

#### Sec. 260.

##### Reports upon appropriations for Departments of War and Navy.

The transmission to Congress, annually, of a tabular statement showing the receipts and expenditures in the Naval service under each appropriation, with an account of balances in the hands of disbursing agents at the close of each fiscal year, and a report of any amounts lost, etc., is required by Act June 19, 1878, c. 311, Comp. St. 1901, p. 243.

#### Sec. 263.

##### Printing report on commerce and navigation.

The Bureau of Statistics, mentioned in this section, is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the Secretary of the Treasury in or over it, and any business arising therefrom or pertaining thereto, are transferred to the head of that Department, by Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

#### Sec. 264.

##### Report of Coast-Survey expenditures.

The Coast and Geodetic Survey, mentioned in this section, is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the Secretary of the Treasury in and over it, and any business arising therefrom or pertaining thereto, are transferred to the head of that Department, by Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

## CHAPTER FOUR.

### The Auditors.

#### Sec. 277.

**ACT JULY 31, 1894, c. 174, § 7.**

##### **Settlement of accounts by Auditors.**

The act to establish the Department of Commerce and Labor provides that the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, steamboat inspection service, immigration, navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the Secretary of Commerce and Labor. Act Feb. 14, 1903, c. 552, § 3, post, under Title XII A, "The Department of Commerce and Labor."

The Auditor for the War Department is to audit the accounts for the Isthmian Canal Commission, by a provision of Act Feb. 8, 1905, c. 297, § 1, set forth below.

Payment of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts, under appropriations by Congress, is to be made on settlements by the Auditor for the department or branch of the public service having jurisdiction over the subject-matter out of which the claims arose, by a provision of Act Feb. 18, 1904, c. 160, § 1, set forth post, under Title XIII, "The Judiciary," c. 21.

The accounts of individual paymasters in the Army are required to be analyzed under the several heads of the appropriation, and recorded in detail by the Paymaster-General, before they are forwarded to the Treasury Department for final audit, by a provision of Act March 2, 1905, c. 1307, set forth post, under Title XIV, "The Army," c. 1.

**ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]**

##### **Settlement of accounts of Isthmian Canal Commission.**

Hereafter the accounts for the Isthmian Canal Commission shall be audited by the Auditor for the War Department.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 647.

This is a provision following an appropriation for the office of the Auditor for the War Department in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

#### Sec. 278.

##### **Settlement of accounts of Army officers.**

Special provisions for settlement of accounts of military officers, originating since the beginning of the war with Spain, are contained in Act March 2, 1903, c. 990, set forth below.

**ACT MARCH 2, 1903, c. 990.**

An Act to Authorize the Settlement of the Accounts of Officers of the Army. (32 Stat. 955.)

**Credits to disbursing officers for payments and losses during war with Spain.**

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, directed, in the settlement of the accounts of disbursing officers of the War Department, arising between the twenty-first day of April, eighteen hundred and ninety-eight, from which date war with Spain is declared to have existed, and the eighth day of July, nineteen hundred and one, inclusive, the date on which the last organization of the Volunteer Army was mustered out of the service of the United States, to allow such credits for payments and for losses of funds, vouchers, and property as may be recommended under authority of the Secretary of War by the heads of the military bureaus to which such accounts respectively pertain.

Act March 2, 1903, c. 990, § 1, 32 Stat. 955.

**Settlement of accounts of Army officers for public property during war with Spain.**

Sec. 2. That the accounts of military officers, whether of the line or staff, for Government property charged to them, shall be closed by the proper accounting officers whenever, in the judgment of the Secretary of War, it will be for the interest of the United States to do so: Provided, That such accounts originated subsequent to April twenty-first, eighteen hundred and ninety-eight, and prior to the ninth day of July, nineteen hundred and one: Provided further, That no settlement shall be made by the officers of the Treasury, under this Act, of the accounts of any officer whose combined responsibility for public money and Government property shall exceed the sum of five thousand dollars, and only of such officers of the Army in whose accounts there is no apparent fraud against the United States: And provided further, That this Act shall remain in force for two years from and after its passage, and no longer.

Act March 2, 1903, c. 990, § 2, 32 Stat. 956.

**Sec. 291.**

**Settlement of expenses of intercourse with foreign nations.**

Appropriations, to be expended under direction of the President, pursuant to the requirement of this section, to meet the expenses of the execution of the neutrality act, and to meet emergencies in the diplomatic and consular service, and to extend the commercial and other interests of the United States, are made in the annual diplomatic and consular appropriation acts. The provisions for such purposes for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1407, 33 Stat. 918.



## CHAPTER FIVE.

### The Treasurer.

#### Sec. 301.

##### **Treasurer.**

The appropriation for compensation of the Treasurer by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is \$6,000. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 648.

#### Sec. 303.

##### **Assistant Treasurer.**

The appropriations for compensation of the Assistant Treasurer and Deputy Assistant Treasurer by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, are: Assistant Treasurer, \$3,600; Deputy Assistant Treasurer, \$3,200. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 648.

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## CHAPTER SIX.

### The Register.

#### Sec. 313.

The Bureau of Navigation, mentioned in the note under this section in Comp. St. 1901, p. 184, relating to the transfer of certain duties of the Register to the Commissioner of Navigation, is transferred to the Department of Commerce and Labor by Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor."

#### Sec. 314.

##### **Assistant Register.**

The appropriation for compensation of the Assistant Register, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is \$2,500. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 649.

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## CHAPTER EIGHT.

### The Commissioner of Internal Revenue.

#### Sec. 322.

##### **Deputy Commissioner of Internal Revenue.**

The appropriations for Deputy Commissioners, for each of the fiscal years ending June 30, 1903, and June 30, 1904, are, for a Deputy Com-

missioner, \$4,000, and for an additional Deputy Commissioner during the fiscal year, \$3,600. Act April 28, 1902, c. 594, § 1, 32 Stat. 138. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 872. For each of the fiscal years ending June 30, 1905, and June 30, 1906, they are, for Deputy Commissioner, \$4,000; Deputy Commissioner, \$3,600. Act March 18, 1904, c. 716, § 1, 33 Stat. 103. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 649.

## Sec. 323.

### **Duties of Deputy Commissioner of Internal Revenue.**

The usual annual appropriation under the heading "punishment for violations of internal revenue laws," with the provisions for statements of expenditures set forth in the note under this section in Comp. St. 1901, p. 187, is repeated in the subsequent appropriation acts. The appropriation with this provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1167.

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## CHAPTER NINE.

### **The Comptroller of the Currency.**

## Sec. 327.

### **Deputy Comptroller of the Currency.**

The appropriation for compensation of the Deputy Comptroller of the Currency, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is \$3,500. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 649.

## Sec. 328.

### **Clerks.**

The appropriation for clerks, etc., in the office of the Comptroller of the Currency for the fiscal year ending June 30, 1906, is contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 649.

A list of all officers, agents, clerks, and other employes of the office of the Comptroller of the Currency, and persons connected with the work of the office, is required to be furnished for the Official Register, by a provision of Act April 28, 1902, c. 594, § 1, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

## Sec. 333. [*As amended 1875.*]

### **Report of Comptroller.**

The report of the Comptroller is to include the expenses of liquidation of failed national banks, by a provision of Act April 28, 1902, c. 594, § 1, set forth below.

### **ACT APRIL 28, 1902, c. 594, § 1.**

### **Report of expenses of liquidation of national banks.**

\* \* That the Comptroller of the Currency is hereby directed to include in his Annual Report to the Speaker of the House of Repre-

sentatives, expenses incurred during each year, in liquidation of each failed national bank separately.

Act April 28, 1902, c. 594, § 1, 32 Stat. 138.

This is a proviso annexed to an appropriation for the office of the Comptroller of the Currency in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

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## **CHAPTER TEN.**

### **The Bureau of Statistics.**

This chapter of the Revised Statutes included the provisions relating to the Bureau of Statistics, as a Bureau of the Treasury Department. The Bureau is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the head of the Treasury Department in and over the Bureau are vested in the head of the Department of Commerce and Labor, by the act establishing that Department, Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

#### **Sec. 334.**

##### **Bureau of Statistics.**

The appropriation for the Bureau, in the Department of Commerce and Labor, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, provides for a Chief of Bureau, \$4,000, and for a chief clerk and other clerks and employes. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 683.

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## **CHAPTER ELEVEN.**

### **Bureau of the Mint.**

#### **Sec. 345.**

**ACT JUNE 20, 1874, c. 328, § 1.**

##### **Salaries under Director.**

The appropriations for the officers, clerks, and employes in the office of the Director of the Mint for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 650.

## [CHAPTER ELEVEN A.]

## [Bureau of Navigation]

This chapter of Comp. St. 1901 included the provisions of Act July 5, 1884, c. 221, establishing the Bureau of Navigation as a Bureau of the Treasury Department. The Bureau is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the head of the Treasury Department in and over the Bureau are vested in the head of the Department of Commerce and Labor, by the act establishing that Department, Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

**ACT JULY 5, 1884, c. 221, § 6.****Appointment and compensation of Commissioner, Deputy Commissioner, and clerks.**

The appropriations for the Commissioner of Navigation, \$4,000, and for the clerks, one designated as Deputy Commissioner, and employes in the Bureau of Navigation, in the Department of Commerce and Labor, for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 8, 1905, c. 297, § 1, 83 Stat. 684.

# TITLE VIII.

## THE DEPARTMENT OF JUSTICE.

### Sec. 347.

#### **Solicitor-General.**

The appropriations for compensation of the Solicitor-General, by the legislative, executive, and judicial appropriation acts for the fiscal years ending June 30, 1904, June 30, 1905, and June 30, 1906, is \$7,500. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 903. Act March 18, 1904, c. 716, § 1, 33 Stat. 134. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 680.

### Sec. 348.

#### **Assistant Attorneys-General.**

The appropriations for the office of the Attorney-General, by the legislative, executive, and judicial appropriation acts for the fiscal years ending June 30, 1905, and June 30, 1906, provide, besides the salaries of the Attorney-General and the Solicitor-General, compensation for an Assistant to the Attorney-General, \$7,000; five Assistant Attorneys-General, at \$5,000 each (authorized by Rev. St. § 348, and subsequent provisions set forth or referred to under that section, in Comp. St. 1901, pp. 202, 203); the Assistant Attorney-General of the Post-Office Department, \$4,500 (authorized by Rev. St. § 390, Comp. St. 1901, p. 220); the Solicitor of Internal Revenue, \$4,500, and the Solicitor for the Department of State, \$4,500 (authorized by Rev. St. § 349, and Act March 3, 1891, c. 541, § 1, Comp. St. 1901, pp. 203, 204); two assistant attorneys, at \$3,000 each, four assistant attorneys, at \$2,500 each, assistant attorney, \$2,000, and assistant attorney in charge of dockets, \$2,500; besides other officers, clerks, and employes in that office, and in the office of the Solicitor of the Treasury, and also in the office of the Solicitor of the Department of Commerce and Labor, whose appointment is authorized by those acts. Act March 18, 1904, c. 716, § 1, 33 Stat. 134, 135. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 680, 681.

### Sec. 349.

#### **Solicitor of Treasury, etc., in Department of Justice.**

The appropriations for compensation of officers enumerated in this section, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, are in the office of the Attorney-General, the Solicitor of Internal Revenue, \$4,500, and the Solicitor for the Department of State, \$4,500; in the office of the Solicitor of the Treasury, for the Solicitor of the Treasury, \$4,500, and Assistant Solicitor, \$3,000. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 680, 681.

The appointment of a Solicitor for the Department of Commerce and Labor is also authorized by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

**ACT MARCH 3, 1891, c. 541, § 1.****Solicitor for Department of State.**

An assistant solicitor for the Department of State, to be appointed by the Secretary of State, is authorized by provisions of Act April 17, 1900, c. 192, § 1, and subsequent appropriation acts, set forth or referred to ante, under Title V, "The Department of State."

**ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]****Solicitor of Department of Commerce and Labor.**

\* \* For Solicitor of the Department of Commerce and Labor, to be appointed by the President, by and with the advice and consent of the Senate, four thousand five hundred dollars; \* \*

Act March 18, 1904, c. 716, § 1, 33 Stat. 135.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 681.

**Sec. 351.****Subordinate officers.**

The appropriations for the officers, clerks, and employes in the Department for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 680, 681.

**Sec. 363.****Retaining counsel to aid district attorneys.**

Annual appropriations for payment of assistants to the Attorney-General and to United States district attorneys employed to aid in special cases are made in the sundry civil appropriation acts. The act for the fiscal year ending June 30, 1906, provides that "this appropriation shall be available also for the payment of foreign counsel employed by the Attorney-General in special cases, and such counsel shall not be required to take oath of office in accordance with section three hundred and sixty-six, Revised Statutes of the United States." Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

**Sec. 366.****Appointment and oath of special attorneys or counsel.**

The appropriation for the fiscal year ending June 30, 1906, for the payment of assistants to the Attorney-General and to district attorneys employed by the Attorney-General to aid in special cases, is made available for the payment of foreign counsel so employed, and such counsel shall not be required to take oath of office in accordance with Rev. St. § 366, Comp. St. 1901, p. 209, by a provision accompanying said appropriation in Act March 3, 1905, c. 1483, § 1, quoted in the above note under Rev. St. § 363.

**Sec. 370.****ACT MARCH 3, 1899, c. 424, § 1.****Expenditures for supplies for courts and judicial officers.**

The provision of this act set forth in Comp. St. 1901, p. 210, is re-

peated in the sundry civil appropriation act for the fiscal year ending June 30, 1903, Act June 28, 1902, c. 1301, § 1, 32 Stat. 476, in the same language, except that the sum appropriated is \$30,000.

**Sec. 383.****Publication of opinions.**

The appropriation for the preparation of Vol. 24 of the Opinions of the Attorney-General, to be printed in accordance with this section, is contained in the sundry civil appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 1, 32 Stat. 1139.

# TITLE IX.

## THE POST-OFFICE DEPARTMENT.

### Sec. 390.

#### **Assistant Attorney-General for Post-Office Department.**

The appropriation for compensation of the Assistant Attorney-General of the Post-Office Department, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is \$4,500. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 677.

Appropriations are also made by the same act for salaries in the office of the Assistant Attorney-General for the Post-Office Department, for an assistant attorney, \$2,750, an assistant attorney, \$2,000, and clerks, etc.

### Sec. 393.

#### **Clerks and employés.**

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 676-679.

The clerks and laborers employed in the office of the Third Assistant Postmaster-General on work in connection with stamped paper agencies, previously paid from appropriations made in the post-office appropriation act, are transferred to the rolls of that office and placed in the classified service, by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

The appointment of a purchasing agent for the Post-Office Department is provided for, and his duties and proceedings in purchasing supplies for the Department are prescribed, by Act April 28, 1904, c. 1759, § 3, set forth post, under Title XLIII, "Public Contracts."

Provisions restricting the per diem allowance in lieu of actual expenses when travelling, applicable to all officers and employés entitled to such allowance, except post office inspectors in certain cases, are contained in Act April 28, 1904, c. 1759, § 4, set forth post, under Title XLVI, "The Postal Service," c. 12.

#### **ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]**

#### **Clerks and laborers placed in classified service.**

For the following force now employed in the office of the Third Assistant Postmaster-General on work in connection with stamped-paper agencies and paid from appropriations made in the post-office appropriation Act for pay of agents and assistants to distribute stamps, and postal cards, namely: One clerk, one thousand dollars; five clerks (now laborers), at eight hundred and forty dollars each; one clerk (now laborer), seven hundred and twenty dollars; and three laborers, at six hundred and sixty dollars each (now paid seven hundred and twenty dollars each); in all, seven thousand nine hundred dollars; and such



clerks and laborers as may be so employed on the thirtieth day of June, nineteen hundred and five, are hereby transferred to the rolls of the office of the Third Assistant Postmaster-General and placed in the classified service, without further examination, in the grades and at the rates of compensation herein provided.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 678.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

#### **ACT APRIL 16, 1890, c. 85.**

##### **Assistant General Superintendent and chief clerk, railway mail service.**

Appropriations for officers and clerks for the railway mail service are made in the annual postal service appropriation acts. The appropriations for the fiscal year ending June 30, 1906, include one general superintendent, at \$4,000; one assistant general superintendent, at \$3,500; one chief clerk, office of general superintendent, at \$2,000; one assistant chief clerk, office of general superintendent, at \$1,800; with division superintendents, assistant division superintendents, assistant superintendents, and numerous clerks. Act March 3, 1905, c. 1450, § 1, 33 Stat. 1088.

Further provisions relating to allowances for traveling and other expenses of officers in the railway mail service and other branches of the postal service are set forth or referred to post, under Title XLVI, "The Postal Service," c. 12.

#### **Sec. 394.**

##### **ACT JUNE 23, 1874, c. 456, § 1.**

##### **Superintendent of free delivery; salary.**

In the legislative, executive, and judicial appropriation acts for the fiscal years ending June 30, 1905, and June 30, 1906, the appropriation made in the similar acts for previous years, for compensation of a general superintendent of the free delivery service, in the office of the First Assistant Postmaster General, is omitted. Appropriations are made thereby, in the office of the Fourth Assistant Postmaster-General, for a superintendent city delivery service and assistant superintendent of city free delivery system; for a superintendent rural free delivery service and supervisor of rural free delivery service; and for superintendents, assistant superintendents, and other officers in the Department, in connection with other branches of the postal service. The officers thus provided for in the Department for the fiscal year 1906, not including chief clerks, chiefs of division, clerks, stenographers, messengers, and laborers, are as follows:

Office First Assistant Postmaster General: Superintendent of the money order system, \$3,500; superintendent of the Dead Letter Office, \$2,500; general superintendent of salaries and allowances, \$4,000; assistant superintendent of salaries and allowances, \$2,250; superintendent of post-office supplies, \$2,500; assistant superintendent of post-office supplies, \$1,800.

Office Second Assistant Postmaster-General: Superintendent of railway adjustments, \$2,500; assistant superintendent of railway adjustments and law clerk, \$2,250; superintendent of foreign mails, \$3,000.

Office Third Assistant Postmaster-General: Superintendent postage-stamp supplies and postmasters' accounts, \$2,750; superintendent of system of postal finance, who shall give bond in such amount as the Postmaster-General may determine for the faithful discharge of his duties, \$2,250; superintendent of classification division, \$2,750; four

special agents, classification division, at \$2,000 each; superintendent of registry system, \$2,500; six assistant superintendents of registry system, at \$2,000 each.

Appropriations are also made for per diem allowances for assistant superintendents of registry system, and for special agents, classification division, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding \$4, and for other actual and necessary traveling expenses arising in connection with such business.

Office Fourth Assistant Postmaster-General: Chief post-office inspector, \$3,000; chief clerk of mail depredations, \$2,000; superintendent city delivery service, \$3,000; superintendent rural free-delivery service, \$3,000; supervisor of rural free-delivery service, \$2,750; assistant superintendent of city free-delivery system, \$2,000.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 677-679.

Further appropriations for salaries, with additional per diem allowances when traveling, and for official expenses, for assistant superintendents, special agents, inspectors, etc., in the various branches of the postal service, are made by the postal service appropriation acts. Such appropriations for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1480, § 1, 33 Stat. 1082-1091.

Provisions relating to the salaries and per diem allowances for traveling expenses, etc., of post-office inspectors, and of superintendents and assistant superintendents of railway mail service, are set forth or referred to under Title XLVI, "The Postal Service," c. 12.

#### **ACT FEB. 24, 1899, c. 187, § 1.**

##### **Assistant superintendents of free-delivery; traveling expenses.**

The postal service appropriation acts for the fiscal years ending June 30, 1903, and June 30, 1905, instead of provisions for "assistant superintendents of free-delivery," as in previous acts, contained appropriations for "assistant superintendents city delivery service." The similar acts for the fiscal years ending June 30, 1905, and June 30, 1906, make no such appropriation; an "assistant superintendent of city free-delivery system," as well as the "superintendent of city delivery service," in the office of the Fourth Assistant Postmaster-General, being provided for by the legislative, executive, and judicial appropriation acts for those years, as stated in the above note under Act June 23, 1874, c. 456, § 1.

All the postal service appropriation acts since 1901 contain appropriations for assistant superintendents and other officers in the various branches of the service. In the act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1480, § 1, 33 Stat. 1086, appropriations are made for seven assistant superintendents, salary and allowance division, at the rate of \$2,000 per annum, a per diem allowance when actually traveling on business of the Department, at a rate to be fixed by the Postmaster-General not to exceed \$4 per day, and for other necessary official expenses. Similar appropriations are made, also, for division superintendents of rural free delivery service, and for rural agents, previously designated as special agents and route inspectors. These provisions, with those relating to the salaries and per diem allowances for traveling expenses, etc., of post-office inspectors, and of superintendents and assistant superintendents of railway mail service, are set forth or referred to under Title XLVI, "The Postal Service," c. 12.

#### **Sec. 395.**

##### **Seal.**

The commissions of all officers under the direction and control of the Postmaster-General are to be made out and recorded in the Post-Office Department, and the department seal affixed thereto, by Act

March 3, 1905, c. 1422, ante, under Title IV, "Provisions Applicable to All the Executive Departments."

**ACT MARCH 18, 1874, c. 57.**

**Commissions of Presidential postmasters.**

This act, set forth in Comp. St. 1901, p. 224, is superseded by the similar but more comprehensive provisions, relating to commissions of all officers under the direction and control of the Postmaster-General, contained in Act March 3, 1905, c. 1422, ante, under Title IV, "Provisions Applicable to All the Executive Departments."

**Sec. 408.**

**Deposits, how brought into the Treasury.**

The Postmaster-General is authorized to designate an officer to sign warrants and drafts in his stead, by Act March 3, 1903, c. 1009, § 6, set forth below.

**ACT MARCH 3, 1891, c. 547.**

[Superseded. Act March 3, 1903, c. 1009, § 6.]

The provision of this act for the designation by the Postmaster-General of an officer to sign warrants in his stead, set forth in Comp. St. 1901, p. 229, is superseded by the more comprehensive provision of Act March 3, 1903, c. 1009, § 6, set forth below.

**ACT MARCH 3, 1903, c. 1009, § 6.**

**Designation of officer to sign warrants and drafts.**

Hereafter the Postmaster-General may from time to time designate any officer of the Post-Office Department above the grade of fourth-class clerk to sign warrants, and "collection" and "transfer" drafts, in his stead, and such warrants and drafts when so signed shall be of the same validity as if they had been signed by the Postmaster-General.

Act March 3, 1903, c. 1009, § 6, 32 Stat. 1176.

This section is a part of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

# TITLE X.

## THE DEPARTMENT OF THE NAVY.

### Sec. 415.

**ACT APRIL 17, 1900, c. 192, § 1.**

**Solicitor, assistant to Judge-Advocate General.**

The provision of this act, set forth in Comp. St. 1901, p. 235, for a solicitor, to be an assistant to the Judge-Advocate of the Navy, is repeated in the same language in the subsequent legislative, executive, and judicial appropriation acts for each year. The appropriation for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 664.

### Sec. 416.

**Clerks and employes.**

The appropriations for the officers, clerks, and employes in the Department for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 663-668.

**ACT JUNE 8, 1896, c. 373, § 1.**

**Appointment clerk.**

The provision of this act set forth in Comp. St. 1901, p. 237, is not repeated in the recent appropriation acts.

**ACT MARCH 3, 1901, c. 852, § 1.**

**Additional experts, draftsmen, and copyists.**

The provision of this act set forth in Comp. St. 1901, p. 237, is not repeated in subsequent naval appropriation acts. In the acts for the fiscal years ending June 30, 1903, and June 30, 1904, a specific appropriation was made for preparation of plans and specifications for public works, "including such expert aids, draftsmen, writers, and copyists as the Secretary of the Navy may deem necessary." Act July 1, 1902, c. 1368, 32 Stat. 676. Act March 3, 1903, c. 1010, 32 Stat. 1188. The words quoted are omitted from subsequent similar appropriations, but more comprehensive provisions of a similar nature are made by the legislative, executive, and judicial appropriation acts for the fiscal years ending June 30, 1905, and June 30, 1906. Such provisions, contained in Act March 18, 1904, c. 716, § 1, are set forth below.

**ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]**

**Employment and payment out of appropriations for new ships, of civilian expert aids, draftsmen, writers, copyists, and model makers.**

On and after July first, nineteen hundred and four, it shall not be

lawful for the Secretary of the Navy to employ in the Navy Department, at Washington, District of Columbia, and pay out of the appropriations for new ships, any civilian expert aids, additional draftsmen, writers, copyists, and model makers, except as herein or as may hereafter be specifically authorized.

Act March 18, 1904, c. 716, § 1, 33 Stat. 117.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above. By the same act numerous appropriations are made for various offices and bureaus in the Department, for clerks and other employés, "in lieu of employés now authorized and paid from appropriations for new ships."

Further provisions of this act for employment of draftsmen and others, to be paid from appropriations for "Increase of the Navy" and for "public works," which are repeated in the similar act for the next year, are set forth below.

**Employment and payment, out of appropriations for increase of navy, of draftsmen and others.**

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed in the Bureaus of Ordnance, Equipment, Construction and Repair, and Steam Engineering to carry into effect the various appropriations for "Increase of the Navy," to be paid from such appropriations: Provided, That the expenditures on this account for the fiscal year nineteen hundred and five shall not exceed one hundred and twenty thousand dollars; a statement of the persons employed hereunder and the compensation paid to each shall be made to Congress each year in the annual estimates.

Act March 18, 1904, c. 716, § 1, 33 Stat. 121.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the same language in the similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 687.

A similar provision of this act for such services, to be paid for out of the appropriation for public works, is set forth below.

**Employment and payment, out of appropriations for public works, of draftsmen and others.**

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed in the Bureau of Yards and Docks to carry into effect the various appropriations for "public works" to be paid from such appropriations: Provided, That the expenditures on this account for the fiscal year nineteen hundred and five shall not exceed thirty thousand dollars; a statement of the persons employed hereunder and the compensation paid to each shall be made to Congress each year in the annual estimates.

Act March 18, 1904, c. 716, § 1, 33 Stat. 122.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the same language in the similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 688.

Similar provisions of the same acts for employment of draftsmen, etc., in certain offices of the War Department, are set forth ante, under Title VI, "The Department of War"; and in the office of the Supervising

Architect in the Treasury Department, *ante*, under Title VII, "The Department of the Treasury," c. 1.

## Sec. 418.

### **Custody of the books and records.**

The transfer of naval records, from the beginning of the Navy Department to the war of the rebellion, from other Departments to the Secretary of the Navy, is provided for by Act April 27, 1904, c. 1630, § 1, set forth below.

### **ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]**

#### **Naval records, rolls, orders, and reports from beginning of Department to war of rebellion.**

\* \* All naval records, such as muster and pay rolls, orders, and reports relating to the personnel and operations of the Navy of the United States, from the beginning of the Navy Department to the war of the rebellion, eighteen hundred and sixty-one, including operations against the French navy, Tripolitan war, war of eighteen hundred and twelve, operations against pirates in the West Indies, Florida war, and the war with Mexico, now in any of the Executive Departments, shall be transferred to the Secretary of the Navy, to be preserved.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 403.

This is a provision accompanying appropriations for the Navy Department in the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

A similar provision for the transfer to the War Department of military rolls and records of wars prior to the civil war is contained in Res. April 28, 1904, No. 38, *ante*, under Title VI, "The Department of War."

## Sec. 423.

### **Chief of Bureau of Construction and Repair.**

The Chief of the Bureau has the title of Chief Constructor, by Rev. St. § 1471, Comp. St. 1901, p. 1031.

## Sec. 424. [*As amended 1900.*]

### **Chief of Bureau of Steam Engineering.**

The Chief of the Bureau has the title of Engineer in Chief, by Rev. St. § 1471, Comp. St. 1901, p. 1031.

A provision for the detail of a line officer of the Navy as assistant to the Chief of the Bureau, contained in Act March 3, 1905, c. 1481, is set forth below.

### **ACT MARCH 3, 1905, c. 1481. [H. R. 18467.]**

#### **Assistant to Chief of Bureau of Steam Engineering.**

That a line officer of the Navy may be detailed as assistant to the Chief of the Bureau of Steam Engineering in the Navy Department, and that such officer during such detail shall receive the highest pay of his grade, and in case of death, resignation, absence, or sickness of the Chief of the Bureau shall, unless otherwise directed by the Presi-

dent, as provided by section one hundred and seventy-nine of the Revised Statutes, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease.

Act March 3, 1905, c. 1481, 33 Stat. 1111.

This is a provision following appropriations for the Bureau, in the naval appropriation act for the fiscal year ending June 30, 1906, cited above.

## Sec. 425.

### Chief of Bureau of [Supplies and Accounts].

The Chief of the Bureau has the title of Paymaster-General, by Rev. St. § 1471, Comp. St. 1901, p. 1031.

In addition to the assistant to the Chief of the Bureau, authorized by provisions of Act July 26, 1894, c. 165, § 1, and Act March 3, 1899, c. 421, Comp. St. 1901, pp. 241, 242, provisions for a civilian assistant, to perform the duties of chief clerk, and, in case of the death, resignation, sickness, or absence of both the chief and his assistant, to become acting Chief of the Bureau, unless otherwise directed by the President, were contained in the appropriations for the Bureau, in Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 890, and were repeated in Act March 18, 1904, c. 716, § 1, 33 Stat. 121; but they are omitted from the similar appropriations for the fiscal year ending June 30, 1906, and instead thereof provision is made for a chief clerk. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 667.

## Sec. 426.

### Chief of Bureau of Medicine and Surgery.

The Chief of the Bureau has the title of Surgeon-General, by Rev. St. § 1471, Comp. St. p. 1031.

## Sec. 431.

### Hydrographic Office.

The annual appropriations for the Hydrographic Office for several years past are accompanied by a provision restricting expenditures to specific appropriations. The provision in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is as follows:

"No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office at Washington, District of Columbia, during the fiscal year nineteen hundred and four except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding." Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 666.

## Sec. 432.

### Maps, charts, etc.

The annual appropriations for the Hydrographic Office provide for the preparation and publication of the Pilot Chart and supplements, and for the expenses of collecting information therefor; and, by a separate appropriation, for a monthly Pilot Chart of the North Pacific Ocean. The appropriations for the fiscal year ending June 30, 1906, are contained in Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 664-666.

# TITLE XI.

## THE DEPARTMENT OF THE INTERIOR.

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### CHAPTER ONE.

#### The Department.

##### Sec. 438.

###### **Assistant Secretary of the Interior.**

The legislative, executive, and judicial appropriation acts for each of the fiscal years 1903, 1904, 1905, and 1906, besides the usual appropriation for compensation of the First Assistant Secretary, \$4,500, appropriate a further sum of \$1,500 "for additional compensation while the office is held by the present incumbent." The appropriation for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 668. That act also appropriates, for the Assistant Secretary, \$4,500, instead of \$4,000, appropriated by previous similar acts.

##### Sec. 440.

###### **Clerks and employes.**

The appropriations for the officers, clerks, and employes in the Department for the fiscal year ending June 30, 1906, are contained in the legislative, executive, and judicial appropriation act of Feb. 3, 1905, c. 297, § 1, 33 Stat. 668-674.

The appropriation acts for recent years have provided, in the office of the Secretary, for a special land inspector, and the later acts for other special inspectors, to be appointed by the Secretary. The provision for the fiscal year ending June 30, 1906, is as follows: " \* \* Special land inspector, connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, two thousand five hundred dollars; five special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at two thousand five hundred dollars each; \* \* "

Further appropriations are made for per diem, to such special land inspector and special inspectors, in lieu of subsistence, while traveling on duty, and for actual, necessary expenses of transportation, and for incidental expenditures. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 668, 670.

Similar appropriations are made for per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, and for actual necessary expenses of transportation, etc. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 670.

##### **ACT APRIL 17, 1900, c. 192, § 1.**

###### **Librarian for General Land Office.**

The provision of this act set forth in Comp. St. 1901, p. 252, is repeated in the legislative, executive, and judicial appropriation acts for



each of the fiscal years ending June 30, 1903, June 30, 1904, June 30, 1905, and June 30, 1906. Act April 28, 1902, c. 594, § 1, 32 Stat. 158. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 893. Act March 18, 1904, c. 716, § 1, 33 Stat. 125. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 670.

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## CHAPTER TWO.

### The Secretary of the Interior.

#### Sec. 441.

##### Duties of Secretary.

The Census Office, "and all that pertains to the same," is transferred to the Department of Commerce and Labor, by the act establishing that Department, Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor."

Powers and duties in connection with the execution of Act June 17, 1902, c. 1093, providing for the construction of irrigation works for the reclamation of arid lands, are conferred and imposed on the Secretary of the Interior by various sections of that act, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

The execution of all laws affecting public lands reserved as forest reserves, after such lands have been so reserved, excepting such laws as affect the surveying, etc., entering, etc., or patenting of any of such lands, is transferred from the Secretary of the Interior to the Secretary of Agriculture, by Act Feb. 1, 1905, c. 288, § 1, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "Forest Reserves."

On the termination of the office of Commissioner of Railroads, on June 30, 1904, the duties of the Commissioner were transferred to the Secretary of the Interior, with the records and files of the office, by a provision of Act March 3, 1903, c. 1007, § 1, set forth post, under chapter 9 A of this Title.

The work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes of Indians, is devolved upon the Secretary of the Interior, and all the powers granted to that Commission are conferred upon the Secretary, on and after July 1, 1905, by a proviso annexed to an appropriation for completing the work of the Commission, in the Indian appropriation act of March 3, 1905, c. 1479, § 1, 33 Stat. 1060.

#### Sec. 443.

##### Supervision of census.

The powers of the Secretary of the Interior under this section are vested in the head of the Department of Commerce and Labor, on the transfer of the Census Office to that Department under the act establishing it, by provisions of that act that duties, powers, etc., possessed or exercised by the head of any executive department in and over any bureau, office, etc., so transferred, "whether of an appellate or revisory character or otherwise," shall be vested in and exercised by the head of the Department of Commerce and Labor. Act Feb. 14, 1903, c. 552, § 10, post, under Title XII A, "The Department of Commerce and Labor."

## CHAPTER THREE.

### The General Land-Office.

#### Sec. 446.

##### Commissioner of the General Land-Office.

The appropriation for compensation of the Commissioner by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is \$5,000. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 670.

##### ACT JULY 11, 1890, c. 667, § 1.

##### Assistant Commissioner of the General Land-Office.

The provision of this act for the Assistant Commissioner, set forth in Comp. St. 1901, p. 256, is repeated in the same language in the legislative, executive, and judicial appropriation acts for each of the fiscal years ending June 30, 1903, June 30, 1904, June 30, 1905, and June 30, 1906. Act April 23, 1902, c. 594, § 1, 32 Stat. 157. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 892. Act March 18, 1904, c. 716, § 1, 33 Stat. 124. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 670.

##### ACT FEB. 25, 1903, c. 755, § 1.

##### Depository, as receiver of public moneys, and confidential secretary.

General Land Office: \* \* one depository acting for the Commissioner as receiver of public moneys and also as confidential secretary, two thousand dollars; \* \*

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 893.

This is a provision accompanying appropriations for the General Land Office, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above. It is repeated in the same language in the similar acts for the fiscal years ending June 30, 1905, and June 30, 1906. Act March 18, 1904, c. 716, § 1, 33 Stat. 124. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 670.

Appropriations in the same acts for a librarian in the General Land Office, repeating the provision therefor of Act April 17, 1900, c. 192, § 1, Comp. St. 1901, p. 252, are referred to ante, under chapter 1 of this Title.

#### Sec. 450.

##### ACT JUNE 19, 1878, c. 329, § 1.

##### Executive clerk to sign land patents.

An appropriation for a "female clerk, to be designated by the President, to sign land patents," \$1,200, is made by the legislative, executive, and judicial appropriation acts for recent years; that for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 669.

An appropriation is also made by the same acts for the fiscal years 1904, 1905, 1906, for "one clerk, to be appointed by the Secretary of the Interior, to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory," \$1,200; that for the fiscal year ending June 30, 1906, is also by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 669.

**Sec. 453.** [*As amended 1875.*]

**Duties of Commissioner.**

The Court of Private Land Claims having ceased on June 30, 1904, pursuant to the amendment of section 19 of the act by which it was established, by a provision of Act March 3, 1903, c. 1007, § 1, set forth post, under Title XIII, "The Judiciary," c. 21A, all the powers exercised by that court in the approval of surveys executed under its decrees of confirmation were conferred upon the Commissioner of the General Land Office from and after that date, by a provision of Act April 28, 1904, c. 1762, § 1, also set forth post, under Title XIII, "The Judiciary," c. 21A.

**Sec. 454.**

**Custody of seal, books, records, etc.**

Original papers on file in the General Land Office, on which a patent to land was issued, may be transmitted and authenticated for use as evidence in the courts, by Act April 19, 1904, c. 1398, set forth below.

**ACT APRIL 19, 1904, c. 1398. [H. R. 10007.]**

An Act to Authorize the Commissioner of the General Land Office to Transmit Original Papers to be used as Evidence. (33 Stat. 186.)

**Transmission, authentication, and use as evidence of original papers on file.**

Be it enacted, &c., That whenever the register of any United States land office shall be served with a subpoena duces tecum or other valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the General Land Office of the United States on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such register to at once notify the Commissioner of the General Land Office of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any register of a United States land office the Commissioner of the General Land Office shall at once transmit to such register the original papers specified in such notice, and which such register is required to produce, and to attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued; and such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union: Provided, That the Secretary of the Interior shall make rules and regulations to secure the return of such documents to the General Land Office, after use in evidence, without cost to the United States.

Act April 19, 1904, c. 1398, 33 Stat. 186.

Copies of patents or other papers in the General Land Office, authenticated by the seal and certified by the Recorder of the office, are evidence, equally with the originals, as when certified by the Commissioner, by Act April 19, 1904, c. 1398, set forth post, under Title XIII, "The Judiciary," c. 17.

**Sec. 459.**

**Duties of Recorder.**

Copies of patents or other papers in the General Land Office, authenticated by the seal of the office and certified by the Recorder, are evidence, equally with the originals, as when certified by the Commissioner, by Act April 19, 1904, c. 1396, post, under Title XIII, "The Judiciary," c. 17.

**Sec. 460.**

**Copies of papers filed in the Department.**

The Commissioner is required to cause to be prepared, and to certify, under the seal of the office, such copies of records, books, and papers on file in his office, as may be applied for, to be used as evidence in courts of justice, by Rev. St. § 2469, Comp. St. 1901, p. 1557. And such copies, so authenticated and certified, are made evidence, equally with the originals thereof, by Rev. St. § 891, Comp. St. 1901, p. 672.

Copies of patents, records, books, or papers in the office, authenticated by the seal and certified by the Recorder, are made evidence equally with the originals thereof, as when certified by the Commissioner, by Act April 19, 1904, c. 1396, set forth post, under Title XIII, "The Judiciary," c. 17.

Registers and receivers of land offices are authorized to make transcripts of records in their offices for individuals, and such transcripts when duly certified are made admissible in evidence, by Act March 22, 1904, c. 748, set forth post, under Title XXXII, "The Public Lands," c. 2.

The Commissioner is authorized to transmit and authenticate for use as evidence in the courts original papers on file in the office, on which any patent to land has been issued, by Act April 19, 1904, c. 1396, set forth above.

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## CHAPTER FOUR.

### The Commissioner of Indian Affairs.

**Sec. 462.**

**Commissioner of Indian Affairs.**

The appropriation, for compensation of the Commissioner, of \$5,000, made by the legislative, executive, and judicial appropriation acts of previous years, is repeated in the similar act for the fiscal year ending June 30, 1906. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 671.

**Sec. 463.**

**ACT JULY 31, 1886, c. 827, § 1.**

**Assistant Commissioner of Indian Affairs.**

The provision of this act for the Assistant Commissioner, set forth in Comp. St. 1901, p. 262, is repeated, in the same language, in the legislative, executive, and judicial appropriation acts for each of the fiscal years ending June 30, 1903, June 30, 1904, June 30, 1905, and June 30, 1906. Act April 28, 1902, c. 594, § 1, 32 Stat. 158. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 893. Act March 18, 1904, c. 716, § 1, 33 Stat. 125. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 671.

## **Sec. 469.**

**ACT JULY 13, 1892, c. 164, § 9.**

### **Report of employes at schools.**

The provisions of this section, set forth in Comp. St. 1901, p. 266, are repeated in the same language in the Indian appropriation acts for each of the fiscal years ending June 30, 1903, and June 30, 1904. Act May 27, 1902, c. 888, § 6, 32 Stat. 274, and Act March 3, 1903, c. 994, § 6, 32 Stat. 1007.

Provisions similar in all respects, except in requiring a report to each Congress, at the first regular session, instead of annually, are contained in Act April 21, 1904, c. 1402, § 6, set forth below.

**ACT APRIL 21, 1904, c. 1402, § 6. [H. R. 12684.]**

### **Report of employes at schools.**

That the Commissioner of Indian Affairs shall report to each Congress, at the first regular session thereof, specifically showing the number of employees at each agency, industrial and boarding school, which are supported in whole or in part out of the appropriations in this Act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether, in the opinion of such Commissioner, any of such employees are unnecessary.

Act April 21, 1904, c. 1402, § 6, 33 Stat. 217.

This section is part of the Indian appropriation act for the fiscal year ending June 30, 1905, cited above. It supersedes the provisions of Act July 13, 1892, c. 164, § 9, and of subsequent acts referred to under that section, Comp. St. 1901, pp. 266, 267, which required such a report to Congress annually.

The provision is not repeated in the Indian appropriation act for the fiscal year ending June 30, 1906.

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## **CHAPTER FIVE.**

### **The Commissioner of Pensions.**

## **Sec. 470.**

### **Commissioner of Pensions.**

The appropriation for compensation of the Commissioner by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is \$5,000. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 671.

A private secretary to the Commissioner is authorized by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

## **Sec. 472.**

### **Deputy Commissioner.**

The appropriations for compensation of the Deputy Commissioners by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, are: First Deputy Commissioner, \$3,600; Second Deputy Commissioner, \$3,600. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 671.

**ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]**

**Private Secretary to Commissioner.**

**Pension Office:** For private secretary to be selected and appointed by the Commissioner of Pensions at the rate of two thousand dollars per annum from March fourth, nineteen hundred and five, to June thirtieth, nineteen hundred and six, both inclusive, two thousand six hundred and fifty dollars.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1233.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above.

**Sec. 474.**

**Investigation of attempts at fraud.**

Provisions of recent appropriation acts for additional compensation to special examiners or other persons employed in the Bureau of Pensions, detailed to make special investigations, are referred to post, under Title LVII, "Pensions," in connection with the provisions on the subject of Rev. St. § 4744, as amended by Act July 25, 1882, c. 349, and of subsequent acts, Comp. St. 1901, pp. 3276-3278.

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## CHAPTER SIX.

### The Patent-Office.

**Sec. 477.**

**Salaries.**

The appropriation for compensation of the Commissioner by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, is \$5,000. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 672.

**Sec. 481.**

**ACT JULY 11, 1890, c. 667, § 1.**

**Duties of Assistant Commissioner.**

The provision of this act set forth in Comp. St. 1901, p. 272, is repeated in the legislative, executive, and judicial appropriation acts for each of the fiscal years ending June 30, 1903, June 30, 1904, June 30, 1905, and June 30, 1906. Act April 28, 1902, c. 594, § 1, 32 Stat. 160. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 894. Act March 18, 1904, c. 716, § 1, 33 Stat. 126. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 672.

**Sec. 490.**

**Printing specifications and drawings.**

The patent department of the Carnegie Library of Pittsburg, Pa., is made the place of deposit for the patent specifications and drawings referred to in this section, instead of the clerk's office of the United States District Court for the Western District of Pennsylvania, by Res. June 28, 1902, No. 35, 32 Stat. 746.

## CHAPTER NINE.

### The Office of Education.

#### Sec. 517.

##### Commissioner of Education.

The appropriation for compensation of the Commissioner, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is \$3,500. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 673.

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## [CHAPTER NINE A.]

### [The Office of the Commissioner of Railroads.]

#### ACT MARCH 3, 1901, c. 830, § 1.

##### [Superseded.]

The proviso of this act, set forth in Comp. St. 1901, p. 283, is superseded by a similar proviso in the sundry civil appropriation act for the fiscal year ending June 30, 1903, that the office should terminate on that date. Act June 28, 1902, c. 1301, § 1, 32 Stat. 456. And this is superseded by a similar proviso in the next similar appropriation act, set forth below.

#### ACT MARCH 3, 1903, c. 1007, § 1.

##### Termination of office.

\* \* That the office of Commissioner of Railroads is hereby continued until the thirtieth day of June, nineteen hundred and four, when the same shall terminate, and the duties of the Commissioner shall be transferred to the Secretary of the Interior together with the records and files of the office.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1119.

This is a proviso annexed to an appropriation for salaries in the office of Commissioner of Railroads in the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

# TITLE XII.

## THE DEPARTMENT OF AGRICULTURE.

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### [CHAPTER A.]

[The Department and the Secretary of Agriculture.]

#### Sec. 520.

##### **Establishment of the Department of Agriculture.**

The erection of a building for the use and accommodation of the Department is authorized and directed by Act Feb. 9, 1903, c. 528, 32 Stat. 806, and appropriations for the construction thereof are made by the subsequent sundry civil appropriation acts; that for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1211.

The execution of all laws affecting public lands reserved as forest reserves, after such lands have been so reserved, with certain exceptions, having been placed under the Secretary of Agriculture, by Act Feb. 1, 1905, c. 288, § 1, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "Forest Reserves," the appropriations previously made for the Bureau of Forestry are made under the head "Forest Service" in the agricultural appropriation act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1405, 33 Stat. 872.

##### **ACT JULY 14, 1890, c. 707.**

##### **Secretary of Agriculture to perform duties of former Commissioner of Agriculture.**

Provisions for the regulation of the exportation and transportation of live stock and the suppression of diseases among such stock, by the Secretary of Agriculture, are contained in Act Feb. 2, 1903, c. 849, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

#### Sec. 522.

##### **Clerks and employés.**

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1906, are contained in the agricultural appropriation act of March 3, 1905, c. 1405, 33 Stat. 861. By these provisions, appropriations are made for clerks and other employés in various bureaus of the Department who were previously paid as laborers from the lump sums appropriated, and the classified laborers so transferred are placed in the classified service by a further provision of Act March 3, 1905, c. 1405, set forth below.

The several separate bureaus established in the Department, in addition to the Weather Bureau and the Bureau of Animal Industry, as stated in the note under this section in Comp. St. 1901, p. 287, are recog-



nized, and existing statutes are made applicable thereto, by a provision of Act June 3, 1902, c. 985, set forth below.

**ACT JUNE 3, 1902, c. 985.**

**Establishment of Bureaus of Soils, of Forestry, of Chemistry, and of Plant Industry.**

\* \* That all existing statutes relating to the Division of Soils, reorganized into the Bureau of Soils; the Division of Forestry, reorganized into the Bureau of Forestry; the Division of Chemistry, reorganized into the Bureau of Chemistry; and the Division of Botany, the Division of Pomology, the Division of Vegetable Physiology and Pathology, the Division of Agrostology and Experimental Gardens and Grounds, reorganized into the Bureau of Plant Industry, not otherwise repealed, shall remain in effect as applying to the respective bureaus into which the divisions named have been reorganized:

Act June 3, 1902, c. 985, 32 Stat. 303.

This is a proviso annexed to an appropriation for silk investigations in the agricultural appropriation act for the fiscal year ending June 30, 1903, cited above.

The execution of all laws affecting public lands reserved as forest reserves, after such lands have been so reserved, excepting such laws as affect the surveying, etc., entering, etc., or patenting of any of such lands, is placed under the Secretary of Agriculture, by Act Feb. 1, 1905, c. 288, § 1, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "Forest Reserves."

**Sec. 523.**

**Officers and employes.**

The Secretary of Agriculture is authorized to make appointments, promotions, and changes in salaries to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department, subject to certain limitations, by provisions of Act March 3, 1905, c. 1405, set forth below.

Leaves of absence for employes, outside of the City of Washington, are authorized: Employes of the Forest Service, by a provision of Act March 3, 1905, c. 1405, set forth below; employes of the Weather Bureau, by a provision of Act March 3, 1905, c. 1405, post, under chapter B of this Title; and employes of the Bureau of Animal Industry, by a provision of Act June 3, 1902, c. 985, post, under chapter C of this Title.

Advances from the appropriations for the Department are to be made only to such chiefs of field parties, agricultural explorers, special agents, etc., as shall have given bonds, by a provision of Act June 3, 1902, c. 985, post, under Title XL, "The Public Money."

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]**

**Leaves of absence, Forest Service.**

\* \* And the employees of the Forest Service outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year.

Act March 3, 1905, c. 1405, 33 Stat. 873.

This is a provision accompanying appropriations for salaries and ex-

penses of the Forest Service in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. Similar provisions as to employés in the Bureau of Forestry were contained in the preceding agricultural appropriation acts for the fiscal years 1903, 1904, and 1905.

**Appointments, promotions, and changes in salaries to be paid out of lump funds; details of employés; annual statement to Congress.**

And the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions and offices of the Department as may be for the best interests of the service: Provided, That the maximum salary of any classified scientific investigator in the city of Washington, or other employee engaged in scientific work, shall not exceed three thousand dollars per annum. And the Secretary of Agriculture is hereby authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other: Provided, however, That details may be made from the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office; and he is further authorized and directed to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds, giving in each case the title, salary, and amount of such change or changes, together with reasons therefor.

Act March 3, 1905, c. 1405, 33 Stat. 883.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

The classified laborers whose positions are transferred from the lump funds to the statutory rolls are placed in the classified service by a further provision of this act, set forth below.

**Laborers placed in classified service.**

All classified laborers whose positions are transferred from the lump funds to the statutory rolls are hereby placed in the classified service without further examination in the grades and at the rates of compensation herein provided.

Act March 3, 1905, c. 1405, 33 Stat. 883.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

**Sec. 524.**

**Bonds.**

A provision of Act March 3, 1887, c. 351, § 2, 24 Stat. 499, "that the bond of the Commissioner of Agriculture shall be in the penal sum of twenty-five thousand dollars," may be regarded as superseded by the change of the Department into an executive department, under a Secretary of Agriculture, by Act Feb. 9, 1889, c. 122, Comp. St. 1901, p. 285.

**Sec. 526.**

**Duties [of Secretary].**

In addition to the powers conferred on the Secretary in regard to the preservation, etc., of game birds, by Act May 25, 1900, c. 553, § 1, set

forth in Comp. St. 1901, p. 290, he is empowered to authorize and regulate the importation of eggs of such birds for propagation, by Act June 3, 1902, c. 983, set forth below.

The Secretary is directed to test for adulterations samples of seeds of grass, clover, or alfalfa, obtained in the open market, by a provision of Act April 28, 1904, c. 1486, set forth below.

**ACT JUNE 3, 1902, c. 983.**

An Act to Regulate the Introduction of Eggs of Game Birds for Propagation. (32 Stat. 285.)

**Importation of eggs of game birds for propagation.**

Be it enacted, &c., That from and after the passage of this Act the Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.

Act June 3, 1902, c. 983, 32 Stat. 285.

**ACT APRIL 28, 1904, c. 1486. [H. R. 11825.]**

**Tests of seeds of grass, etc., for adulterations.**

\* \* \* The Secretary of Agriculture is hereby directed to obtain in the open market, samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (*Poa compressa*) are obtained under any other name than Canada blue grass or *Poa compressa*, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale.

Act April 28, 1904, c. 1486, 33 Stat. 283.

This is a provision accompanying appropriations for botanical investigations and experiments in the agricultural appropriation act for the fiscal year ending June 30, 1905. It is repeated in the same language, except that, after the words at the beginning of the provision, "The Secretary," the words "of Agriculture" are omitted, in the similar act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1405, 33 Stat. 869.

A previous more comprehensive provision, contained in the agricultural appropriation acts for the fiscal years 1901 and 1902, that "the Secretary of Agriculture is hereby authorized to purchase samples of seeds in open market, test same, and when not found up to standard, he may, at his discretion, publish the results of such of these tests, together with the names of the seedsmen by whom the seeds were sold," Act May 25, 1900, c. 555, 31 Stat. 195, Act March 2, 1901, c. 805, 31 Stat. 928, was not repeated in the similar appropriation acts for subsequent fiscal years.

**Sec. 527. [As amended 1896.]**

**Purchase and distribution of seeds, plants, etc.**

Provisions relating to the distribution of seeds, plants, etc., accompanying the annual appropriations for the purchase, etc., thereof, are set forth below.

**ACT JUNE 16, 1880, c. 252.**

[Superseded. Act March 3, 1905, c. 1405.]

The provisions of this act, set forth in Comp. St. 1901, p. 291, are re-enacted, with some alterations and additions, in the similar appropriation acts for the years subsequent to the acts referred to in the note in Comp. St. 1901, p. 291. The provisions of Act March 3, 1905, c. 1405, are set forth below.

**ACT MARCH 3, 1905, c. 1405.****Allotment of seeds, etc., to members of Congress for distribution.**

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, printing, postal cards, gas, and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, two hundred and forty-two thousand nine hundred and twenty dollars, of which amount not less than two hundred and two thousand dollars shall be allotted for Congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; such franks to be furnished by the Public Printer, as is now done for document slips, with the names of Senators, Members, and Delegates printed thereon, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other phraseology as the Secretary may direct; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: Provided, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the first of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: And provided also, That the Secretary shall report, as provided in this Act, the place,

quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: Provided, however, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: Provided also, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the tenth day of January: Provided further, That thirty-seven thousand seven hundred and eighty dollars of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the co-operation of the agricultural experiment stations: And provided also, That ten thousand dollars of the sum thus appropriated, or so much thereof as may be necessary, may be used for the erection of a suitable seed warehouse for packeting and mailing seeds on Congressional orders.

Act March 3, 1905, c. 1405, 33 Stat. 870.

These provisions, contained in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above, are re-enactments of those contained in the agricultural appropriation acts of 1880 and subsequent years, set forth in Comp. St. 1901, p. 291, with alterations and additions, particularly the requirement that the Public Printer shall furnish franks, etc.

Provisions for the printing annually by the Public Printer of franks required for sending out seeds on Congressional orders are contained in Res. May 19, 1902, No. 23, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

## Sec. 529.

### **Annual report of expenditures.**

Special provisions relating to the annual estimates of appropriations for the Department, contained in Act June 3, 1902, c. 985, are set forth post, under Title XLI, "Appropriations."

A statement to Congress each year covering all appointments, promotions, or other changes in salaries paid from lump funds, is required, in connection with authority to make such appointments, promotions, and changes, by provisions of Act March 3, 1905, c. 1405, set forth above.

**ACT JULY 5, 1892, c. 147.****Monthly crop report.**

The provision of this act and of subsequent similar acts set forth in Comp. St. 1901, p. 294, is repeated, in the same language, in the agricultural appropriation acts for each of the fiscal years ending June 30, 1903, and June 30, 1904. Act June 3, 1902, c. 985, 32 Stat. 300, and Act March 3, 1903, c. 1008, 32 Stat. 1162.

In the subsequent appropriations, monthly crop reports issued on the third and tenth days of each month are referred to, as in the provision of Act March 3, 1905, c. 1405, set forth below.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]****Monthly crop reports.**

\* \* That the monthly crop reports issued on the third and tenth days of each month shall embrace statements of the conditions of the crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to, and officially approved by the Secretary of Agriculture before being issued or published. \* \*

Act March 3, 1905, c. 1405, 33 Stat. 879.

This is a proviso annexed to the appropriations for expenses of the Bureau of Statistics in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. It is in the same language as the similar proviso in the agricultural appropriation act for the preceding year, Act April 28, 1904, c. 1486, 33 Stat. 292.

Previous similar provisions, relating to a monthly crop report issued on the tenth day of each month, are set forth or referred to in Comp. St. 1901, p. 294.

**ACT AUG. 8, 1894, c. 238.**

[Superseded. Act March 3, 1905, c. 1405.]

The provisions of this act, set forth in Comp. St. 1901, p. 294, are reenacted, with some alterations, in the similar appropriation acts of subsequent years. Those contained in Act March 3, 1905, c. 1405, are set forth below.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]****Farmers' bulletins; allotment to members of Congress for distribution.**

Publications, Department of Agriculture: General expenses, Division of Publications: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, one hundred and thirty-two thousand two hundred and fifty dollars, of which sum ninety-eight thousand seven hundred and fifty dollars shall be available for the preparation, printing, and distribution of farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as such Senators, Representatives, or Delegates in Congress shall direct: Provided, That the Secretary of Agriculture shall notify Senators, Representatives, and Delegates in Congress of the title and character of

each such bulletin, with the total number to which each Senator, Representative, and Delegate may be entitled for such distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: Provided further, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the thirty-first day of May in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year. \* \*

Act March 3, 1905, c. 1405, 33 Stat. 878.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. They are re-enactments, with some alterations, of those contained in Act Aug. 8, 1894, c. 238, and subsequent similar acts, set forth or referred to in Comp. St. 1901, p. 294.

**Sale of copies of card index of publications of Department.**

\* \* And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

Act March 3, 1905, c. 1405, 33 Stat. 880.

This is a provision accompanying appropriations for the library of the Department in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. It re-enacts in the same language a provision contained in the similar act for the fiscal year ending June 30, 1905, Act April 28, 1904, c. 1486, 33 Stat. 292.

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[CHAPTER B.]

[The Weather Bureau.]

**ACT OCT. 1, 1890, c. 1266, § 4.**

**Employés.**

The appropriations for salaries in the Bureau, by the agricultural appropriation act for the fiscal year ending June 30, 1906, include, for the Chief of Bureau, \$5,000; one Assistant Chief of Bureau, \$3,000; and numerous other officers, clerks, and employés. Act March 3, 1905, c. 1405, 33 Stat. 862.

**ACT APRIL 23, 1897, c. 1.**

[Superseded. Act March 3, 1905, c. 1405.]

The provisions of this and subsequent acts, set forth in Comp. St. 1901, p. 298, are superseded by the more comprehensive provisions relating to the same subject contained in more recent appropriation acts. The provisions of Act March 3, 1905, c. 1405, are set forth below.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]****Leaves of absence.**

Salaries, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, repair men, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted leaves of absence not to exceed thirty days in any one year. \* \*

Act March 3, 1905, c. 1405, 33 Stat. 863.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. It supersedes the similar provisions of Act April 23, 1897, c. 1, and subsequent acts set forth or referred to in Comp. St. 1901, p. 298. It is in the same language as similar provisions of Act March 3, 1903, c. 1008, 32 Stat. 1149, and Act April 28, 1904, c. 1486, 33 Stat. 278, except that each of those acts contains, after the words at the beginning of the provision, "Salaries, Weather Bureau," the further words, "Outside of the City of Washington."

**ACT AUG. 8, 1894, c. 238.**

[Superseded. Act March 3, 1905, c. 1405.]

The provisions of this act, set forth in Comp. St. 1901, p. 298, are superseded by the re-enactment thereof, with additional provisions, by Act March 3, 1905, c. 1405, set forth below.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]****Counterfeiting weather forecasts or warnings; molestation of or interference with weather or storm flag or weather map or bulletin; punishment.**

Any person who shall knowingly issue or publish any counterfeit weather forecasts or warnings of weather conditions, falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, or other branch of the Government service, or shall molest or interfere with any weather or storm flag or weather map or bulletin displayed or issued by the United States Weather Bureau, shall be deemed guilty of a misdemeanor, and on conviction thereof, for each offense, be fined in a sum not exceeding five hundred dollars, or be imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court.

Act March 3, 1905, c. 1405, 33 Stat. 864.

These provisions are part of the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. They supersede the provisions, similar in part, of Act Aug. 8, 1894, c. 238, Comp. St. 1901, p. 298.



## [CHAPTER C.]

## [The Bureau of Animal Industry.]

**ACT MAY 29, 1884, c. 60, §§ 1, 3.**

**Establishment of the Bureau.**

The appropriations for salaries in the Bureau, in the agricultural appropriation act for the fiscal year ending June 30, 1906, include, for the Chief of Bureau, \$4,500, and for additional compensation while the office is held by the present incumbent, \$500; one chief clerk, \$2,000; and numerous other officers, clerks, and employés. Act March 3, 1905, c. 1405, 33 Stat. 864.

**Regulations for suppression of diseases; co-operation of States and Territories.**

The agricultural appropriation acts make appropriations annually to carry out the provisions of this act. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, 33 Stat. 864.

Further provisions for the regulation of the exportation and transportation of live stock and the suppression of disease among such stock by the Secretary of Agriculture are contained in Act Feb. 2, 1903, c. 349, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Provisions relating to exportation and transportation of cattle and other live stock to foreign countries, transportation thereof among the states, etc., the investigation and suppression of contagious, etc., diseases of such animals, the establishment and maintenance of quarantine of any state, etc., or portion thereof where cattle or other live stock are affected with any contagious disease, subsequent to the provisions of Act May 29, 1884, c. 60, §§ 4-9, and later statutes, set forth in Comp. St. 1901, pp. 3183-3193, are contained in Act Feb. 2, 1903, c. 349, Act March 3, 1905, c. 1405, and Act March 3, 1905, c. 1496, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Provisions for inspection of live cattle, etc., and carcasses and products thereof, including dairy products, which are intended for exportation to any foreign country, or are subjects of interstate commerce, subsequent to the provisions therefor set forth in Comp. St. 1901, pp. 3183-3193, are contained in Act July 1, 1902, c. 1357, and Act March 3, 1905, c. 1405, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Forcibly assaulting, resisting, etc., any officer or employé of the Bureau of Animal Industry in the execution of his duties, and discharging any deadly weapon at such officer or employé; or using any dangerous or deadly weapon in resisting him in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, are made punishable, by Act March 3, 1905, c. 1496, § 5, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

**ACT MAY 25, 1900, c. 555.**

[Superseded. Act June 3, 1902, c. 985.]

The provision of this act set forth in Comp. St. 1901, p. 301, repeated, as stated in the note thereto, in the similar act of 1901, is superseded by the re-enactment thereof with the words "without additional ex-

pense to the government," in Act June 3, 1902, c. 985, as set forth below.

**ACT JUNE 3, 1902, c. 985.**

**Leaves of absence.**

\* \* and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year: \* \*

Act June 3, 1902, c. 985, 32 Stat. 290.

This is a provision accompanying appropriations for expenses of the Bureau in the agricultural appropriation act for the fiscal year ending June 30, 1903. It is repeated in the same language in the similar acts for subsequent fiscal years. Act March 3, 1903, c. 1008, 32 Stat. 1151. Act April 28, 1904, c. 1486, 33 Stat. 281. Act March 3, 1905, c. 1405, 33 Stat. 865.

It supersedes the similar provision of Act May 25, 1900, c. 555, repeated in Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 301.

[TITLE XII A.]

[THE DEPARTMENT OF COMMERCE  
AND LABOR.]

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In the Compiled Statutes of 1901, the provisions relating to the Department of Labor, established by Act June 13, 1888, c. 339, are placed under Title XII A, "The Department of Labor." That Department having been placed under the jurisdiction and made part of the Department of Commerce and Labor, established by Act Feb. 14, 1903, c. 552, set forth below, the scope of this title is extended to include the provisions establishing and relating to that Department.

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**ACT FEB. 14, 1903, c. 552.**

An Act to Establish the Department of Commerce and Labor. (32 Stat. 825.)

**Establishment of the Department; Secretary of Commerce and Labor; seal.**

Be it enacted, &c., That there shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of eight thousand dollars per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department. The said Secretary shall cause a seal of office to be made for the said Department of such device as the President shall approve, and judicial notice shall be taken of the said seal.

Act Feb. 14, 1903, c. 552, § 1, 32 Stat. 825.

Rev. St. § 158, amended by this section, defines the Executive Departments to which Title IV, relating to all the Executive Departments, shall apply.

**Assistant Secretary of Commerce and Labor; clerks; settlement of accounts of salaries and expenses.**

Sec. 2. That there shall be in said Department an Assistant Secretary of Commerce and Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be author-

ized by Congress; and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission and to all other business within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Commerce and Labor.

Act Feb. 14, 1903, c. 552, § 2, 32 Stat. 826.

Appropriations for compensation of the officers, clerks, and employes of the Department, including clerks and employes in addition to the chief clerk and disbursing clerk mentioned in this section, and for expenses of the Department, for the fiscal years 1903 and 1904, are made by the deficiency appropriation act of March 3, 1903, c. 1006, 32 Stat. 1081, 1082; and for the fiscal years 1905, 1906, by the legislative, executive, and judicial appropriation acts for those years, Act March 18, 1904, c. 716, § 1, 33 Stat. 135, and Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 681.

Estimates in detail, for all personal services, and for all general and miscellaneous expenses for the Department, are to be submitted annually, by a provision of Act March 3, 1903, c. 1006, post, under Title XLI, "Appropriations."

A solicitor of the Department of Commerce and Labor, in the Department of Justice, is authorized by a provision of Act March 18, 1904, c. 716, § 1, set forth ante, under Title VIII, "The Department of Justice."

**Powers and duties of Department; appropriations made applicable.**

Sec. 3. That it shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. All unexpended appropriations, which shall be available at the time when this Act takes effect, in relation to the various offices, bureaus, divisions, and other branches of the public service, which shall, by this Act, be transferred to or included in the Department of Commerce and Labor, or which may hereafter, in accordance with the provisions of this Act, be so transferred, shall become available, from the time of such transfer, for expenditure in and by the Department of Commerce and Labor and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Commerce and Labor, under the direction of the Secretary of said Department.

Act Feb. 14, 1903, c. 552, § 3, 32 Stat. 826.

Besides the departments, bureaus, offices, etc., specified in section 4 and subsequent sections of this act, set forth below, as transferred to and included in the Department, which is vested with jurisdiction and control thereof by this section, other offices, bureaus, etc., engaged in

- statistical or scientific work, may be transferred by the President to the Department from certain other Departments, by section 12 of this act, also set forth below.

Appropriations made for the fiscal year 1904, for the Department of Labor, Fish Commission, bureaus, offices, etc., transferred from any executive department to this Department, are made available for expenditure by the Department, by provisions of the deficiency appropriation act of March 3, 1903, c. 1006, set forth below.

**Transfer of existing offices, bureaus, etc., to Department.**

Sec. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the Department of Commerce and Labor, to remain henceforth under the jurisdiction of the latter; that the Department of Labor, the Fish Commission, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the Department of Commerce and Labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the Department of Commerce and Labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the Department of Commerce and Labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of the bureau; and that the Secretary of Commerce and Labor shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his Department; and the Secretary of Commerce and Labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said Department, and to consolidate any of the statistical bureaus and offices transferred to said Department; and said Secretary shall also have authority to call upon other Departments of the Government for statistical data and results obtained by them; and said Secretary of Commerce and Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this Act transferred to the Department of Commerce and Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be,

and hereby are, transferred to the Department of Commerce and Labor.

Act Feb. 14, 1903, c. 552, § 4, 32 Stat. 828.

These provisions for the transfer of existing offices, bureaus, etc., to the Department, take effect July 1, 1903, by section 13 of this act, set forth below.

The powers, duties, etc., of the heads of executive departments in or over the bureaus, offices, officers, etc., transferred to the Department, are vested in the head of the Department, by section 10 of this act, set forth below.

The powers, duties, etc., of the Secretary of the Treasury in regard to shipping, seamen, etc., are transferred to the Secretary of Commerce and Labor by section 10 of this act, set forth below.

Provisions for the transfer to the Department of officers, clerks, and employes in the offices, bureaus, etc., transferred under this act, are contained in section 9 of this act, set forth below; and special provisions for such transfer from the Treasury Department, contained in the deficiency appropriation act of March 3, 1903, c. 1006, are also set forth below.

The Secretary of Commerce and Labor has charge of the furniture, records, etc., pertaining to the Department, by section 9 of this act, set forth below.

Previous provisions relating to each of the various offices, bureaus, etc., transferred to the Department by this section, are the following:

The Light-House Board and the Light-House Establishment, Title LV, "Lights and Buoys," Comp. St. 1901, pp. 3140-3148.

The Steamboat Inspection Service, Title LII, "Regulation of Steam-Vessels," c. 1, Comp. St. 1901, pp. 3014-3044.

The Bureau of Navigation, Title VII, "The Department of the Treasury," c. 11 A, Comp. St. 1901, pp. 198-200.

The United States Shipping Commissioners, Title LIII, "Merchant Seamen," c. 1, Comp. St. 1901, pp. 3061-3067.

The National Bureau of Standards, Act March 3, 1901, c. 872, Comp. St. 1901, pp. 2383-2385.

The Coast and Geodetic Survey, Title LVI, "The Coast Survey," Comp. St. 1901, pp. 3149-3152.

The Commissioner-General of Immigration, the Commissioners of Immigration, the Bureau of Immigration, and the immigration service at large, Title XXIX, "Immigration," Comp. St. 1901, pp. 1280-1328.

The Bureau of Statistics, Title VII, "The Department of the Treasury," c. 10, Comp. St. 1901, pp. 191-197.

The Census Office, Title XXXI, "The Census," Comp. St. 1901, pp. 1835-1853.

The Department of Labor, Act June 13, 1888, c. 389, Comp. St. 1901, pp. 302-305.

The Fish Commission, and the office of Commissioner of Fish and Fisheries, Rev. St. §§ 4395-4398, and subsequent provisions, Comp. St. 1901, pp. 3001-3003.

Bureau of Foreign Commerce, Act Feb. 20, 1897, c. 268, Comp. St. 1901, p. 102.

Appropriations for the offices, bureaus, etc., thus established in the Department of Commerce and Labor are made under that head in the subsequent legislative, executive, and judicial appropriation acts. Such appropriations for the fiscal year ending June 30, 1906, are made by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 681-685.

Special agents, to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, are authorized by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

Appropriations for the Bureau of Labor, in the Department of Commerce and Labor, for compensation of the Commissioner of Labor and of clerks and other employes, for compensation and expenses of special agents and employes, and for other expenses, particularly for newspapers for the purpose of procuring strike data, in addition to the amount authorized by Rev. St. § 192, are made by the legislative, ex-

ecutive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 682.

Appropriations for the Census Office, in the Department of Commerce and Labor, are made by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 683.

The act establishing a permanent Census Office, Act March 6, 1902, c. 139, and subsequent provisions relating to the organization and work of that office, are set forth post, under Title XXXI, "The Census."

**Bureau of Manufactures; consular reports.**

Sec. 5. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Manufactures, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of four thousand dollars per annum. There shall also be in said bureau such clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau, under the direction of the Secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary or provided by law. And all consular officers of the United States, including consuls-general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subjects enumerated in section three of this Act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

Act Feb. 14, 1903, c. 552, § 5, 32 Stat. 827.

The appointment of a person to formulate, under direction of the Secretary of State, for the instruction of consular officers, the requests of the Secretary of Commerce and Labor, and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, information pertaining to the work of the Department, is provided for by section 11 of this act, set forth ante, under Title V. "The Department of State."

Appropriations for the Bureau of Manufactures are made by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 682.

**Bureau of Corporations; investigation of and information concerning corporations.**

Sec. 6. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Corporations, and a Commissioner of Corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of five thousand dollars per annum. There shall also be in said bureau a deputy commissioner who shall receive a salary of three thousand five hundred dollars per annum, and who shall in the absence of the Commissioner

act as, and perform the duties of, the Commissioner of Corporations, and who shall also perform such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the said Commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company or corporate combination engaged in commerce among the several States and with foreign nations excepting common carriers subject to "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained or as much thereof as the President may direct shall be made public.

In order to accomplish the purposes declared in the foregoing part of this section, the said Commissioner shall have and exercise the same power and authority in respect to corporations, joint stock companies and combinations subject to the provisions hereof, as is conferred on the Interstate Commerce Commission in said "Act to regulate commerce" and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpoena and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said "Act to regulate commerce" and by "An Act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, supplemental to said "Act to regulate commerce," shall also apply to all persons who may be subpoenaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

It shall also be the province and duty of said bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

Act Feb. 14, 1903, c. 552, § 6, 32 Stat. 827.

The act to regulate commerce, Act Feb. 4, 1887, c. 104, and the amendments thereto, and Act Feb. 11, 1893, c. 83, supplemental thereto, mentioned in this section, are set forth in Comp. St. 1901, pp. 3154-3177.

Appropriations for the Bureau of Corporations, including provisions for compensation and traveling expenses of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of the Bureau as provided by this act, are made by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 681, 682.



A provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, "For one special attorney for the Bureau of Corporations to be appointed by the President, by and with the consent of the Senate," \$4,000, Act March 18, 1904, c. 716, § 1, 33 Stat. 136, is not repeated in the similar act for the fiscal year ending June 30, 1906.

**Control of fur-seal and other fisheries of Alaska; control of immigration.**

Sec. 7. That the jurisdiction, supervision and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon and other fisheries of Alaska and over the immigration of aliens into the United States, its waters, territories and any place subject to the jurisdiction thereof, are hereby transferred and vested in the Department of Commerce and Labor: Provided, That nothing contained in this Act shall be construed to alter the method of collecting and accounting for the head-tax prescribed by section one of the Act entitled "An Act to regulate immigration," approved August third, eighteen hundred and eighty-two. That the authority, power and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue, are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor.

Act Feb. 14, 1903, c. 552, § 7, 32 Stat. 828.

Previous provisions relating to the fur-seal fishery are set forth, and provisions relating to other fisheries of Alaska are referred to in Comp. St. 1901, pp. 8003-8013.

Previous provisions relating to immigration are contained in Title XXIX, "Immigration," Comp. St. 1901, pp. 1280-1328.

Act Aug. 3, 1882, c. 376, § 1, mentioned in this section, is set forth in Comp. St. 1901, p. 1288.

**Annual reports to Congress; special investigations and reports.**

Sec. 8. That the Secretary of Commerce and Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his Department, and describing the work done by the Department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities, of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

Act Feb. 14, 1903, c. 552, § 8, 32 Stat. 829.

The Secretary is required to submit to Congress, annually, estimates in detail for all personal services and for all general and miscellaneous

expenses for the Department, by a provision of Act March 3, 1903, c. 1006, post, under Title XLI, "Appropriations."

The results of investigations by special agents, as to trade conditions abroad, are to be reported to Congress, by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

**Custody of Department buildings, property, records, etc.**

Sec. 9. That the Secretary of Commerce and Labor shall have charge, in the buildings or premises occupied by or appropriated to the Department of Commerce and Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library, and for the rental of appropriate quarters for the accommodation of the Department of Commerce and Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: Provided, however, That where any office, bureau, or branch of the public service transferred to the Department of Commerce and Labor by this Act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: And provided further, That all officers, clerks, and employees now employed in or by any of the bureaus, offices, departments, or branches of the public service in this Act transferred to the Department of Commerce and Labor are each and all hereby transferred to said Department at their present grades and salaries, except where otherwise provided in this Act: And provided further, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this Act transferred to and made a part of the Department of Commerce and Labor shall, so far as the same are not in conflict with the provisions of this Act, remain in full force and effect until otherwise provided by law.

Act Feb. 14, 1903, c. 552, § 9, 32 Stat. 829.

An appropriation for rent for the offices of the Secretary and the Bureaus of Manufactures and Corporations is made by the deficiency appropriation act of March 3, 1903, c. 1006, 32 Stat. 1081. Provisions of the same act as to the buildings to be occupied by other bureaus, offices, etc., are set forth below.

**Transfer of duties, powers, etc., of heads of executive departments, and of duties, powers, etc., of Secretary of Treasury as to shipping, seamen, etc.**

Sec. 10. That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this Act transferred to the Department of Commerce and Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Commerce and Labor.

All duties, power, authority and jurisdiction, whether supervisory, appellate or otherwise, now imposed or conferred upon the Secretary

of the Treasury by Acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by Acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by Acts of Congress relating to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be and hereby are transferred to and imposed and conferred upon the Secretary of Commerce and Labor from and after the time of the transfer of the Bureau of Navigation, the Shipping Commissioners and the Steamboat-Inspection Service to the Department of Commerce and Labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all Acts or parts of Acts inconsistent with this Act are, so far as inconsistent, hereby repealed.

Act Feb. 14, 1903, c. 552, § 10, 32 Stat. 829.

Similar provisions for transfer of executive powers, etc., of other departments, upon the transfer of any office, bureau, etc., therefrom, under section 12 of this act, are contained in that section, set forth below.

The previous acts relating to merchant vessels, etc., and to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steamboat Inspection Service and the officials thereof, mentioned in this section, are set forth in Comp. St. 1901, pp. 198-200, 2801-3125.

#### Sec. 11. [Relates to the Department of State.]

This section provides for the appointment of a person, to be designated by the Secretary of State, to formulate, under his direction, for the instruction of consular officers, requests of the Secretary of Commerce and Labor, and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, information pertaining to the work of the Department. It is set forth ante, under Title V, "The Department of State."

#### **Transfer of offices, bureaus, etc., engaged in statistical or scientific work, from certain Departments, authorized.**

Sec. 12. That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy or the Department of the Interior, to the Department of Commerce and Labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division or other branch of the public service, or the part thereof which is so transferred.

And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the Department of Commerce and Labor, or the Secretary thereof, as the case may be, as to the whole or part of such office, bureau, division or other branch of the public service so transferred.

Act Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.

**Time of taking effect of act.**

Sec. 13. That this Act shall take effect and be in force from and after its passage: Provided, however, That the provisions of this Act other than those of section twelve in relation to the transfer of any existing office, bureau, division, officer or other branch of the public service or authority now conferred thereon, to the Department of Commerce and Labor shall take effect and be in force on the first day of July, nineteen hundred and three, and not before.

Act Feb. 14, 1903, c. 552, § 13, 32 Stat. 830.

**ACT MARCH 3, 1903, c. 1006.**

**Appropriations made applicable.**

That all appropriations made for the fiscal year nineteen hundred and four for the Department of Labor, Fish Commission, bureaus, offices, or other divisions of whatever designation or character, transferred or that may be transferred from any executive department to the Department of Commerce and Labor under the act approved February fourteenth, nineteen hundred and three, shall be available for expenditure in and by the Department of Commerce and Labor, and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Commerce and Labor, under the direction of the Secretary of the Department: Provided, That as to all general appropriations for printing and binding, rent, and contingent or miscellaneous expenses, the amounts that shall be transferred hereunder, except where the same are specifically fixed by law, shall in the case of each bureau, office, or other division be not less than the average amount expended on account of or allotted for expenditure to each of the same during the fiscal years nineteen hundred and two and nineteen hundred and three.

Act March 3, 1903, c. 1006, 32 Stat. 1082.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, cited above. A similar provision as to unexpended appropriations is contained in Act Feb. 14, 1903, c. 552, § 3, set forth above.

Subsequent appropriations for the offices, bureaus, etc., included in the Department of Commerce and Labor, are made under the head of that Department in the legislative, executive, and judicial appropriation act for each year. Such appropriations for the fiscal year ending June 30, 1906, are contained in Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 681-685.

**Transfer of officers, clerks, and employes from Treasury Department.**

That the Secretary of the Treasury is hereby authorized and directed, as soon as may be practicable and before the first day of July, nineteen hundred and three, to transfer to the Department of Commerce and Labor all chiefs of division, assistant chiefs of division, clerks, messengers, assistant messengers, watchmen, charwomen, and laborers now employed in the divisions of his office who are wholly engaged upon the work relating to the business of the bureaus and offices of the Treasury Department transferred or to be transferred to the Department of Commerce and Labor under the Act of February fourteenth, nineteen hundred and three; and in proportion to the number of persons in the divisions of his office whose time and labor are partially devoted to the work of said bureaus and offices he shall transfer approximately an equivalent number of clerks and other employees to said Department of Commerce and Labor, and the appropriations made for the compensation of all persons transferred hereunder shall be credited to and disbursed by the Department of Commerce and Labor.

Act March 3, 1903, c. 1006, 32 Stat. 1082.

This is a further provision of the deficiency appropriation act for the fiscal year 1903, cited above. General provisions for the transfer of officers, clerks, and employes to the Department are contained in Act Feb. 14, 1903, c. 552, § 9, set forth above.

**Buildings to be occupied by bureaus, offices, etc., transferred.**

That all bureaus, offices, and divisions transferred to the Department of Commerce and Labor after July first, nineteen hundred and three, occupying quarters in any building owned by the United States shall continue therein until otherwise provided for by Congress, except the Bureau of Immigration and the Steamboat Inspection Service, which may be removed from the Treasury building to the Builders' Exchange building, numbers seven hundred and nineteen to seven hundred and twenty-one Thirteenth street northwest, premises now rented in part by the Treasury Department.

Act March 3, 1903, c. 1006, 32 Stat. 1082.

This is a further provision of the deficiency appropriation act for the fiscal year 1903, cited above. Provisions for the custody of the buildings, etc., of the Department are contained in Act Feb. 14, 1903, c. 552, § 9, set forth above.

**ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]****Special agents to investigate trade conditions abroad.**

For compensation at not more than ten dollars per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, thirty thousand dollars; and the results of such investigation shall be reported to Congress.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 681.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

# TITLE XIII.

## THE JUDICIARY.

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### CHAPTER ONE.

#### Judicial Districts.

##### [ALABAMA.]

#### Sec. 532.

##### Alabama.

The times for terms of the courts in the middle and northern districts are changed by Act Feb. 9, 1903, c. 533, and Act Feb. 16, 1903, c. 554, set forth below. And the division of the northern district into two divisions, by Act May 2, 1884, c. 38, § 2, Comp. St. 1901, p. 318, is changed by dividing the district into three divisions—northern, southern, and eastern divisions—by an amendment of that section by Act Feb. 16, 1903, c. 554, § 1, and by the establishment of a western division, by Act March 3, 1905, c. 1419, § 8, and terms of the courts are appointed in said divisions by the provisions of those acts, respectively, set forth below.

In the southern district, a northern division is established and terms of the courts therein are appointed, and the remainder of the district is constituted the southern division, by Act March 3, 1905, c. 1419, § 1, set forth below.

#### ACT JUNE 22, 1874, c. 401, § 6.

[Superseded. Act June 26, 1890, c. 631. Act Feb. 9, 1903, c. 533.]

This section, set forth in Comp. St. 1901, p. 317, is superseded, as to the times for the courts in the southern district, by Act June 26, 1890, c. 631, Comp. St. 1901, p. 319; and as to the times for the courts in the middle and northern districts, by Act Feb. 9, 1903, c. 533, set forth below. Further changes as to the courts in all the districts are made by subsequent provisions, also set forth below.

#### ACT MAY 2, 1884, c. 38, § 2.

[Amended. Act Feb. 16, 1903, c. 554, § 1.]

This section, set forth in Comp. St. 1901, p. 318, is expressly amended by Act Feb. 16, 1903, c. 554, § 1, set forth below.

#### ACT JUNE 26, 1890, c. 631.

##### Terms of courts for southern district.

On the establishment of the northern division of the district, terms of the courts in that division are appointed, and the courts in the

southern division are directed to be held as provided by this act, by provisions of Act March 3, 1905, c. 1419, §§ 1, 2, set forth below.

**ACT FEB. 9, 1903, c. 533.**

An Act to Fix the Time for Holding the United States District and Circuit Courts in the Northern and Middle Districts of Alabama. (32 Stat. 820.)

**Terms of courts for middle district.**

Be it enacted, &c., That hereafter the regular terms of the district and circuit courts of the United States for the middle district of Alabama shall be held at Montgomery, Alabama, on the first Tuesdays in May and December of each year.

Act Feb. 9, 1903, c. 533, § 1, 32 Stat. 820.

Before this act, the terms of the courts for the middle district were appointed by Act June 22, 1874, c. 401, § 6, Comp. St. 1901, p. 317.

**Terms of courts for northern district, northern division.**

Sec. 2. That the regular terms of the district and circuit courts of the United States for the northern division of the northern district of Alabama shall be held at Huntsville, Alabama, on the first Tuesday in April and the second Tuesday in October of each year.

Act Feb. 9, 1903, c. 533, § 2, 32 Stat. 820.

The terms of the courts for the northern division of the district as established by Act Feb. 16, 1903, c. 554, § 1, set forth below, are, by that section, to be held at the times and places prescribed.

**Terms of courts for northern district, southern division.**

Sec. 3. That the regular terms of the district and circuit courts of the United States for the southern division of the northern district of Alabama shall be held at Birmingham, Alabama, on the first Tuesdays of March and November of each year.

Act Feb. 9, 1903, c. 533, § 3, 32 Stat. 821.

The terms of the courts for the southern division of the district, as established by Act Feb. 16, 1903, c. 554, § 1, set forth below, are, by that section, to be held at the times and places prescribed.

The terms of the courts for the eastern division of the district, established by Act Feb. 16, 1903, c. 554, § 1, and for the western division, established by Act March 3, 1905, c. 1419, § 8, are appointed by provisions of those acts, respectively, set forth below.

**Pending causes.**

Sec. 4. That no action, suit, proceeding, information, indictment, recognizance, bail, bond, or any other proceeding or process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of said courts, but the same shall be deemed returnable, pending, or triable at the terms herein provided for.

Act Feb. 9, 1903, c. 533, § 4, 32 Stat. 821.

**ACT FEB. 16, 1903, c. 554.**

An Act to Amend an Act to Add Certain Counties in Alabama to the Northern District therein, and to Divide the said Northern District, After the Addition of said Counties, into Two Divisions,

and to Prescribe the Times and Places for Holding Courts therein, and for Other Purposes, Approved May Second, Eighteen Hundred and Eighty-Four. (32 Stat. 832.)

**Divisions in northern district; terms of courts therein.**

Be it enacted, &c., That section two of an Act approved May second, eighteen hundred and eighty-four, entitled "An Act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes," be amended so as to read as follows:

"Sec. 2. That the said northern district is hereby divided into three divisions, which shall be known as the northern, southern, and eastern divisions of the northern district of Alabama. The southern division of said northern district shall include the counties of Sumter, Greene, Hale, Pickens, Tuscaloosa, Lamar, Fayette, Walker, Jefferson, Blount, Bibb, Shelby, Saint Clair, and Dekalb, and a term of the circuit court and district court of the United States for said northern district shall be held for said southern division at the city of Birmingham, in the said county of Jefferson, twice in each year, at the times provided by law.

"The eastern division of said northern district shall include the counties of Etowah, Calhoun, Cleburne, Clay, Talladega, and Cherokee, and a term of the circuit court and the district court of the United States for said northern district shall be held for said eastern division in the city of Anniston, in the said county of Calhoun, twice in each year, on the first Mondays in May and November. The remaining counties of said northern district shall constitute the northern division thereof, and the terms of the circuit and district courts of the United States for said northern district shall be held therein at the times and places prescribed by law."

Act Feb. 19, 1902, c. 554, § 1, 32 Stat. 832.

Act May 2, 1884, c. 38, § 2, amended by this section, is set forth in Comp. St. 1901, p. 818.

A western division of the district is established, constituted of counties included by this act in the southern division, and terms of the courts are appointed therefor, by Act March 3, 1905, c. 1419, § 8, set forth below.

**Time of taking effect of act; application of existing provisions.**

Sec. 2. That this Act shall be in force from its passage, and all other provisions of the Act aforesaid, approved May second, eighteen hundred and eighty-four, and all Acts amendatory thereof not inconsistent with this Act, shall remain in full force and effect, and so far as they are applicable shall relate to and govern the eastern division of the northern district of Alabama.

Act Feb. 16, 1903, c. 554, § 2, 32 Stat. 832.

Act May 2, 1884, c. 38, and the acts amendatory thereof, referred to in this section, are set forth in Comp. St. 1901, pp. 818, 819.

**Court house in northern district, eastern division.**

Sec. 3. That a place for holding the courts for the eastern division of the northern district of Alabama shall be furnished to the Govern-



ment free of cost by the county of Calhoun until other provision is made therefor by law.

Act Feb. 16, 1903, c. 554, § 3, 32 Stat. 832.

**Place of return of civil process, and of trial of prosecutions for offenses.**

Sec. 4. That all civil process issued against persons residents in said counties of Etowah, Calhoun, Cleburne, Clay, Talladega, and Cherokee, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Anniston; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Anniston.

Act Feb. 16, 1903, c. 554, § 4, 32 Stat. 832.

**Pending causes.**

Sec. 5. That all cases, civil and criminal, now pending on the dockets of the southern division of the northern district of Alabama, as herein created, shall remain on the docket of the southern division of said district and be tried in Birmingham, Alabama, unless transferred to the dockets of the eastern division of said district by consent of all the parties thereto entered of record, or unless transferred by the order of court for good cause shown.

Act Feb. 16, 1903, c. 554, § 5, 32 Stat. 832.

**Clerk's office; deputy clerk.**

Sec. 6. That the clerks of the circuit and district courts of the southern division of the northern district of Alabama shall maintain an office in charge of themselves or a deputy at said city of Anniston which shall be kept open at all times for the transaction of the business of said courts.

Act Feb. 16, 1903, c. 554, § 6, 32 Stat. 832.

**ACT MARCH 3, 1905, c. 1419. [S. 6232.]**

An Act to Provide for Circuit and District Courts of the United States at Selma and Tuscaloosa, Alabama. (33 Stat. 987.)

**Divisions in southern district; terms of courts in southern division.**

Be it enacted, &c., That the northern division of the southern judicial district of the State of Alabama is hereby established, composed of the counties of Dallas, Hale, Marengo, Perry, and Wilcox. And all other counties now in the southern judicial district of the State of Alabama shall constitute the southern division of the southern district of Alabama; and the courts of said southern division shall be held in Mobile, as now provided by law.

Act March 3, 1905, c. 1419, § 1, 33 Stat. 987.

The southern district, as constituted before this act, was described in Rev. St. § 532, p. 317. The terms of the courts for the district were appointed by Act June 28, 1890, c. 631, Comp. St. 1901, p. 319.

**Terms of courts for southern district, northern division; deputy clerk.**

Sec. 2. That a term of the circuit court and of the district court for the northern division of the southern judicial district of the State of

Alabama shall be held in Selma, in Dallas County, in said State, on the first Monday in November and the first Monday in May in each year; and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed: Provided, however, That suitable rooms and accommodations are furnished for the holdings of said courts free of expense to the Government of the United States.

Act March 3, 1905, c. 1419, § 2, 33 Stat. 988.

**Place of bringing suit, and of trial of issues of fact.**

Sec. 3. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. All issues of fact in said suits shall be tried at the term of the court held in the division where the suit is so brought.

Act March 3, 1905, c. 1419, § 8, 33 Stat. 988.

**Place of prosecution of offenses.**

Sec. 4. That prosecutions for crime or offenses hereafter committed in any of the counties of the northern division shall be cognizable within such division; and all prosecutions for crime or offenses heretofore committed within either of said counties, taken, as aforesaid, from the middle and southern districts, or committed in the middle or southern districts as hitherto constituted, shall be commenced and proceeded with as if this Act had not been passed.

Act March 3, 1905, c. 1419, § 4, 33 Stat. 988.

Provisions relating to the place of prosecution of offenses previously committed within either the northern, middle, or southern district, as previously constituted, are contained in section 9 of this act, set forth below.

**Pending cases.**

Sec. 5. That all civil suits and proceedings now pending in the circuit or district courts of either district or division from which the counties constituting this division have been taken, and which would, after the passage of this Act, be required to be brought within the northern division of said southern district, may be transferred by consent of all parties or by order of the court to said northern division of said district, and there disposed of in the same manner and with like effect as if the same had been instituted therein; and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the northern division of said southern district, and in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

Act March 3, 1905, c. 1419, § 5, 33 Stat. 988.

**Removal of causes from State courts.**

Sec. 6. That in all cases of removal of suits from the courts of the State of Alabama to the courts of the United States in the southern and middle districts of Alabama such removal shall be made to the United States courts in the division in which the county is situated from which the removal is made, and the time within which such removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

Act March 3, 1905, c. 1419, § 6, 33 Stat. 988.

**Residence of jurors; process.**

Sec. 7. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provision hereinbefore contained issued in either of said divisions may be served and executed in either or all of said divisions.

Act March 3, 1905, c. 1419, § 7, 33 Stat. 988.

**Western division in northern district; terms of courts in western division; deputy clerk; provisions of this act relating to northern division of southern district made applicable.**

Sec. 8. That the western division of the northern district of the State of Alabama is hereby established, composed of the counties of Tuscaloosa, Bibb, Greene, Sumter, and Pickens, and a term of the circuit and district court of the western division of the northern district of Alabama shall be held in Tuscaloosa, in Tuscaloosa County, in said State, on the first Tuesday in January and June of each year; and it shall be the duty of the clerk, marshal, and other officers of the northern judicial district of said State to attend said terms of court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed: Provided, however, That suitable rooms and accommodations shall be furnished for the holding of said court free of expense to the Government of the United States. All other provisions of this Act relating to the northern division of the southern district of Alabama shall, as far as practicable, relate and apply to the western division of the northern district of Alabama.

Act March 3, 1905, c. 1419, § 8, 33 Stat. 988.

Before this act, the counties named as composing the western division were included in the southern division of the district by Act May 2, 1884, c. 38, § 2, Comp. St. 1901, p. 318.

**Prosecution of offenses previously committed in either district; time of taking effect of act; repeal.**

Sec. 9. That in all prosecutions for crimes or offenses heretofore committed within either the northern, middle, or southern districts of Alabama, as hitherto constituted, such prosecutions shall be commenced and proceeded with in each of said districts, respectively, the same as if this Act had not been passed. This Act shall be in force from and

after April first, anno Domini nineteen hundred and five. All laws and parts of laws inconsistent with this Act are hereby repealed.

Act March 3, 1905, c. 1419, § 9, 33 Stat. 989.

[ARKANSAS.]

**Sec. 533.**

The division of the State of Arkansas into districts is altered by the transfer of three counties from the eastern district to the western district, and a third division is established in the western district, and terms of the courts therein are appointed, by Act March 18, 1902, c. 222, set forth below.

The times of holding terms of the courts in the eastern division of the eastern district are changed by Act Feb. 3, 1903, c. 400, set forth below.

**ACT FEB. 20, 1897, c. 269.**

[Amended. Act March 18, 1902, c. 222.]

This act, set forth in Comp. St. 1901, pp. 321, 322, is expressly amended by Act March 18, 1902, c. 222, set forth below.

**ACT JAN. 16, 1901, c. 92, § 1.**

**Terms of courts for eastern district.**

The times fixed by this section for terms of the courts in the eastern division of the eastern district are changed by Act Feb. 3, 1903, c. 400, set forth below.

**ACT MARCH 18, 1902, c. 222.**

An Act to Re-form the Western Judicial District of the State of Arkansas. (32 Stat. 72.)

**Counties transferred to western district.**

Be it enacted, &c., That the Act of February twentieth, eighteen hundred and ninety-seven, entitled "An Act to reorganize the judicial districts of Arkansas, and for other purposes," be, and is hereby, so amended as to add to the western judicial district of the State of Arkansas as now formed the counties of Baxter, Marion, and Searcy, now a part of the eastern judicial district of said State.

Act March 18, 1902, c. 222, § 1, 32 Stat. 72.

Act Feb. 20, 1897, c. 269, amended by this section, is set forth in Comp. St. 1901, pp. 321, 322.

**Additional division in western district.**

Sec. 2. That in the said western district there is hereby formed a third division, which shall be known as the Harrison division.

Act March 18, 1902, c. 222, § 2, 32 Stat. 72.

Two divisions in the western district, the Texarkana and Fort Smith divisions, were established by Act Feb. 20, 1897, c. 269, § 5, set forth in Comp. St. 1901, p. 322.

**Place of return of civil process; pending causes.**

Sec. 3. That all process, civil and criminal, hereafter issued against any person or persons residing in either of the counties of Baxter,

Boone, Carroll, Madison, Marion, Newton, or Searcy, which counties shall constitute the Harrison division, shall be made returnable to the courts for the Harrison division, to be held at the city of Harrison.

All process, civil and criminal, now pending in the courts, respectively, at Fort Smith or at Batesville, against persons residing in any of the counties hereby incorporated in the Harrison division, shall be disposed of and determined in those courts, respectively.

Act March 18, 1902, c. 222, § 3, 32 Stat. 72.

**Terms of courts for western district, Harrison division.**

Sec. 4. That the terms of the United States circuit and district courts for the Harrison division of the western judicial district of the State of Arkansas shall be held at Harrison, in the county of Boone, on the second Mondays in April and October.

Act March 18, 1902, c. 222, § 4, 32 Stat. 72.

The terms of the courts in the other divisions of the western district are appointed by Act Feb. 20, 1897, c. 269, § 6, set forth in Comp. St. 1901, p. 322.

**Additional clerk in western district, Harrison division.**

Sec. 5. That there shall be appointed, in the manner required by law, a clerk, who shall keep his office at the city of Harrison.

Act March 18, 1902, c. 269, § 5, 32 Stat. 72.

**Repeal; time of taking effect of act.**

Sec. 6. That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed; and this Act shall take effect and be in force from and after its passage.

Act March 18, 1902, c. 222, § 6, 32 Stat. 72.

**ACT FEB. 3, 1903, c. 400.**

An Act to Change and Fix the Time for Holding District and Circuit Courts of the United States for the Eastern Division of the Eastern District of Arkansas. (32 Stat. 795.)

**Terms of courts for eastern district, eastern division.**

Be it enacted, &c., That the regular terms of the United States district and circuit courts for the eastern division of the eastern district of Arkansas hereafter be held at Helena, Arkansas, on the second Monday in March and the first Monday of October in each year instead of the times now fixed by law.

Act Feb. 3, 1903, c. 400, § 1, 32 Stat. 795.

Before this act, the terms of the courts in all the divisions of the eastern district were regulated by Act Jan. 16, 1901, c. 92, set forth in Comp. St. 1901, p. 323.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect and be in force from and after its passage.

Act Feb. 3, 1903, c. 400, § 2, 32 Stat. 795.

## [COLORADO.]

**ACT AUG. 3, 1886, c. 848.**

[Superseded. Act Feb. 16, 1903, c. 555.]

This act, appointing terms of the courts for the district of Colorado, is superseded by the different provisions of Act Feb. 16, 1903, c. 555, set forth below.

**ACT FEB. 16, 1903, c. 555.**

An Act Fixing Terms of United States Courts in Colorado, and Other Purposes. (32 Stat. 833.)

**Terms of courts.**

Be it enacted, &c., That the terms of the district and circuit courts of the United States in and for the district of Colorado shall be held at the times and places hereinafter designated, namely: At Denver on the first Tuesdays in May and in November in every year; at Pueblo on the first Tuesday in April annually, and at Montrose on the second Tuesday in September annually; and such cases shall be heard in said courts as the law or the rules of said court may now or hereafter provide.

Act Feb. 16, 1903, c. 555, § 1, 32 Stat. 833.

Before this act, the terms of the courts for the district of Colorado were regulated by Act Aug. 3, 1886, c. 848, set forth in Comp. St. 1901. pp. 330, 331.

**Transfer of pending causes, records, etc.**

Sec. 2. That the term of said courts heretofore provided to be held at Del Norte, Colorado, on the first Tuesday in August annually is hereby discontinued, and all business now pending in said courts, including all records, files, books, or other property of the United States pertaining to said court, shall be transferred to Montrose, Colorado, and all cases pending at Del Norte, Colorado, shall be tried at Montrose, Colorado, the same as if originally begun at the latter place, and all requirements for return of process or persons to said court at Del Norte shall hereafter be made or complied with at said term at Montrose, Colorado.

Act Feb. 16, 1903, c. 555, § 2, 32 Stat. 833.

**Repeal.**

Sec. 3. That all Acts and parts of Acts inconsistent herewith are hereby repealed.

Act Feb. 16, 1903, c. 555, § 3, 32 Stat. 833.

## [FLORIDA.]

**Sec. 534.****Florida.**

An additional session of the circuit court and a regular term of the district court for the southern district are appointed at Fernandina by Act Feb. 18, 1905, c. 584, set forth below.

**ACT FEB. 3, 1879, c. 43, § 2.**

**Terms of courts for southern district.**

Besides the additional terms and sessions of the courts for the southern district appointed by Act July 23, 1894, c. 149, § 2, and Act May 18, 1900, c. 482, Comp. St. 1901, pp. 332, 333, a session of the circuit court and a regular term of the district court are appointed in the city of Fernandina by Act Feb. 18, 1905, c. 584, set forth below.

**ACT FEB. 18, 1905, c. 584. [S. 4503.]**

An Act to Provide for Sittings of the Circuit and District Courts of the Southern District of Florida in the City of Fernandina, in said District. (33 Stat. 719.)

**Additional session of circuit court for southern district.**

Be it enacted, &c., That in addition to the times and places now fixed by law for the sitting of the circuit court of the United States for the southern district of Florida there shall be a session of the said circuit court in the city of Fernandina on the first Monday in April in each year hereafter.

Act Feb. 18, 1905, c. 584, § 1, 33 Stat. 719.

Previous provisions relating to terms and sessions of the circuit court for the district are set forth in Comp. St. 1901, pp. 332, 333.

**Additional term of district court for southern district.**

Sec. 2. That there shall be a regular term of the district court of the United States for the southern district of Florida in the city of Fernandina on the first Monday in April in each year hereafter: Provided, That suitable rooms and accommodations shall be furnished for the holding of said courts at the said place, free of expense to the Government of the United States.

Act Feb. 18, 1905, c. 584, § 2, 33 Stat. 719.

Previous provisions relating to terms and sessions of the district court are set forth in Comp. St. 1901, pp. 332, 333.

[GEORGIA.]

**Sec. 535.**

**Georgia.**

The county of Carroll is transferred from the northwestern division of the northern district to the northern district by Act Feb. 26, 1902, c. 33, set forth below. And the time for terms of the courts in the eastern division of the northern district is changed by Act April 7, 1904, c. 940, also set forth below.

A southwestern division of the southern district is established, and terms of the courts are appointed to be held therein, at Valdosta, by Act June 30, 1902, c. 1338, set forth below; and the county of Pierce is transferred from the eastern to the southwestern division by Act April 7, 1904, c. 941, also set forth below. But thereafter a southwestern division, to be composed of two of the counties included in the division as constituted by said Act June 30, 1902, c. 1338, and four other counties previously included in the western division, is established, and terms of the courts are appointed to be held therein at Albany, by Act March 3, 1905, c. 1431, also set forth below.

**ACT JAN. 29, 1880, c. 17, § 2.****Divisions in southern district.**

In addition to the eastern and the western divisions into which the southern district was divided by this section, set forth in Comp. St. 1901, p. 334, and the northeastern division established by Act Feb. 15, 1889, c. 168, set forth in Comp. St. 1901, p. 336, a southwestern division is established therein by Act June 30, 1902, c. 1338, set forth below.

The county of Pierce is transferred from the eastern division to said southwestern division, by Act April 7, 1904, c. 941, set forth below. And a southwestern division, differently constituted as to the counties included, is established by Act March 3, 1905, c. 1431, also set forth below.

**ACT APRIL 12, 1900, c. 185, § 1.****Northwestern division in northern district.**

The county of Carroll, included in the northwestern division of the northern district established by this section, set forth in Comp. St. 1901, p. 339, is transferred from that division to the northern district by Act Feb. 26, 1902, c. 33, set forth below.

**ACT FEB. 28, 1901, c. 621, § 2.****Terms of courts for northern district, eastern division.**

The time for terms of the courts at Athens, fixed by this section, is changed by Act April 7, 1904, c. 940, set forth below.

**ACT FEB. 26, 1902, c. 33.**

An Act to Transfer the County of Carroll from the Northwestern Division of the Northern District of Georgia to the Northern District of Georgia of the United States District and Circuit Courts, and for Other Purposes. (32 Stat. 42.)

**County transferred from northwestern division of northern district.**

Be it enacted, &c., That the county of Carroll, in the State of Georgia, be, and is hereby, transferred from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts; but this transfer shall not affect any suit or legal proceeding begun prior to the passage of this Act.

Act Feb. 26, 1902, c. 33, 32 Stat. 42.

**ACT JUNE 30, 1902, c. 1338.**

An Act to Provide for Circuit and District Courts of the United States at Valdosta, Georgia. (32 Stat. 550.)

**Southwestern division in southern district.**

Be it enacted, &c., That the southwestern division of the southern judicial district of Georgia is hereby established, to be composed of the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Colquitt, Decatur, Echols, Irwin, Lowndes, Mitchell, Thomas, Ware and Worth of the southern district of Georgia.

Act June 30, 1902, c. 1338, § 1, 32 Stat. 550.

Before this act, the southern district was divided into an eastern and



a. western division by Act Jan. 29, 1880, c. 17, § 2, set forth in Comp. St. 1901, p. 334, and a northeastern division, established by Act Feb. 15, 1889, c. 168, § 1, set forth in Comp. St. 1901, p. 336.

The county of Pierce is transferred from the eastern to the southwestern division by Act April 7, 1904, c. 941, set forth below.

Subsequent provisions establishing a southwestern division to be composed of five counties, only two of which, Mitchell and Worth, are mentioned in this section, are contained in Act March 3, 1905, c. 1431, set forth below.

**Terms of courts for southern district, southwestern division; duties of clerk, marshal, etc.; deputy clerk; court rooms.**

Sec. 2. That a term of the circuit court and of the district court for the southern district of Georgia shall be held at Valdosta, in said State, on the second Mondays in June and December in each year; and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If, in the opinion of the court, it shall become necessary, a deputy clerk may be appointed: Provided, however, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

Act June 30, 1902, c. 1338, § 2, 32 Stat. 550.

Terms of the courts are appointed by Act March 3, 1905, c. 1431, § 2, set forth below, to be held at Albany, in the southwestern division as established by that act.

**Place of bringing suit, and of trial of issues of fact.**

Sec. 3. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

Act June 30, 1902, c. 1338, § 3, 32 Stat. 551.

**Place of prosecution of offenses.**

Sec. 4. That prosecutions for crime or offenses hereafter committed in any of the counties of the southwestern division shall be cognizable within such division; and all prosecutions for crime or offenses heretofore committed within either of said counties, taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this Act had not been passed.

Act June 30, 1902, c. 1338, § 4, 32 Stat. 551.

**Pending causes.**

Sec. 5. That all civil suits and proceedings now pending in the circuit or district courts of either district or division from which the counties constituting this division have been taken, and which would, if instituted after the passage of this Act, be required to be brought in the southwestern division of said district, may be transferred by consent of all parties or by order of the court to said southwestern

division of said district and there disposed of in the same manner and with like effect as if the same had been instituted therein; and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the southwestern division of said district in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

Act June 30, 1902, c. 1338, § 5, 32 Stat. 551.

**Removal of causes from State courts.**

Sec. 6. That in all cases of removal of suits from the courts of the State of Georgia to the courts of the United States in the southern district of Georgia such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

Act June 30, 1902, c. 1338, § 6, 32 Stat. 551.

**Residence of jurors; process.**

Sec. 7. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provision hereinbefore contained, issued in either of said divisions, may be served and executed in either or all of said divisions.

Act June 30, 1902, c. 1338, § 7, 32 Stat. 551.

**Time of taking effect of act.**

Sec. 8. That this Act shall be in force from and after the first day of January, anno Domini nineteen hundred and three.

Act June 30, 1902, c. 1338, § 8, 32 Stat. 551.

**Repeal.**

Sec. 9. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Act June 30, 1902, c. 1338, § 9, 32 Stat. 551.

**ACT APRIL 7, 1904, c. 940. [H. R. 12904.]**

An Act Providing for Holding of Courts of the Eastern Division of the Northern Federal Judicial District of Georgia at Athens, Georgia. (33 Stat. 161.)

**Terms of courts for northern district, eastern division.**

Be it enacted, &c., That hereafter courts shall be held in the eastern division of the northern Federal judicial district of Georgia at Athens, Georgia, on the fourth Monday in April and the first Monday in November in each year, instead of as heretofore provided.

Act April 7, 1904, c. 940, 33 Stat. 161.

Before this act, the times for the terms of the courts for the northern district in the eastern division were fixed by Act Feb. 28, 1901, c. 621, § 2, set forth in Comp. St. 1901, p. 341.

**ACT APRIL 7, 1904, c. 941. [H. R. 13352.]**

An Act Transferring the County of Pierce, in the State of Georgia, from the Eastern to the Southwestern Division of the United States District Court for the Southern District of Georgia. (33 Stat. 161.)

**County transferred from eastern to southwestern division of southern district.**

Be it enacted, &c., That the county of Pierce, in the State of Georgia, be, and the same is hereby, transferred from the eastern to the southwestern division of the United States district court for the southern district of Georgia.

Act April 7, 1904, c. 941, 33 Stat. 161.

The southwestern division, to which the county of Pierce is transferred by this act, was established by Act June 30, 1902, c. 1338, set forth above. In the subsequent act establishing a southwestern division differently constituted, Act March 3, 1905, c. 1431, set forth below, the county of Pierce is not included.

**ACT MARCH 3, 1905, c. 1431. [H. R. 5498.]**

An Act to Provide for Circuit and District Courts of the United States at Albany, Georgia. (33 Stat. 999.)

**Southwestern division in southern district.**

Be it enacted, &c., That the southwestern division of the southern judicial district of Georgia is hereby established, to be composed of the counties of Baker, Calhoun, Dougherty, Lee, Mitchell, and Worth, of the southern district of Georgia.

Act March 3, 1905, c. 1431, § 1, 33 Stat. 999.

Previous provisions establishing a southwestern division, differently constituted, are contained in Act June 30, 1902, c. 1338, set forth above.

Before this act, the counties of Baker, Calhoun, Dougherty, and Lee formed part of the western division, as established by Act Jan. 29, 1880, c. 17, § 2, Comp. St. 1901, p. 334; and the counties of Mitchell and Worth were included with others, in the southwestern division, as constituted by Act June 30, 1902, c. 1338, § 2, set forth above.

**Terms of courts for southern district, southwestern division; duties of clerk, marshal, etc.; court rooms.**

Sec. 2. That a term of the circuit court and of the district court for the southern district of Georgia shall be held at Albany, in said State, on the third Mondays in June and December in each year; and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions: Provided, however, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

Act March 3, 1905, c. 1431, § 2, 33 Stat. 999.

Terms of the courts are appointed by Act June 30, 1902, c. 1338, § 2, set forth above, to be held at Valdosta, in the southwestern division as constituted by that act.

**Place of bringing suit, and of trial of issues of fact.**

Sec. 3. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

Act March 3, 1905, c. 1431, § 3, 33 Stat. 999.

**Place of prosecution of offenses.**

Sec. 4. That prosecutions for crime or offenses hereafter committed in any of the counties of the southwestern division shall be cognizable within such division; and all prosecutions for crime or offenses heretofore committed within either of said counties, shall be commenced and proceeded with as if this Act had not been passed.

Act March 3, 1905, c. 1431, § 4, 33 Stat. 999.

**Pending causes.**

Sec. 5. That all civil suits and proceedings now pending in the circuit or district courts, and which would, if instituted after the passage of this Act, be required to be brought in the southwestern division of said district, may be transferred by consent of all parties or by order of the court to said southwestern division of said district and there disposed of in the same manner and with like effect as if the same had been instituted therein; and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the southwestern division of said district in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

Act March 3, 1905, c. 1431, § 5, 33 Stat. 1000.

**Removal of causes from state courts.**

Sec. 6. That in all cases of removal of suits from the courts of the State of Georgia to the courts of the United States in the southern district of Georgia such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

Act March 3, 1905, c. 1431, § 6, 33 Stat. 1000.

**Residence of jurors; process.**

Sec. 7. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provision hereinbefore contained, issued in either of said divisions, may be served and executed in either or all of said divisions.

Act March 3, 1905, c. 1431, § 7, 33 Stat. 1000.

**Repeal.**

Sec. 8. That all Acts and parts of Acts in conflict herewith be, and the same are hereby, repealed.

Act March 3, 1905, c. 1431, § 8, 33 Stat. 1000.

The repeal by this act of the parts of Act June 30, 1902, c. 1338, set forth above, in conflict with this act, would seem to extend, necessarily, to the application of that act to the counties of Mitchell and Worth, included by this act in the southwestern division as constituted thereby; but Act June 30, 1902, c. 1338, may possibly be regarded as continuing in force, so far as it relates to the counties other than Mitchell and Worth mentioned therein, and as applicable to those counties constituting a separate division of the district, although designated by the same name as the division established by this act.

**[ILLINOIS.]****Sec. 536.**

The provisions relating to the division of the state of Illinois into judicial districts and divisions thereof, the district judges and the clerks of the district and circuit courts and other officers for such districts, and the terms of the courts therefor, contained in Rev. St. § 536, and subsequent statutes, set forth under that section in Comp. St. 1901, pp. 344-347, are to a great extent superseded by Act March 3, 1905, c. 1427, set forth below, which makes a new division into three districts—the northern, the southern, and the eastern districts—and provides for district judges and other officers, and for terms of the courts for each of such districts.

Provisions of Act April 28, 1904, c. 1805, 33 Stat. 550, appointing terms of the courts for the southern district at the city of East Saint Louis, are also superseded by Act March 3, 1905, c. 1427, §§ 12, 16, set forth below.

**ACT MARCH 3, 1905, c. 1427. [S. 7049.]**

**An Act Providing for an Additional Circuit Judge in the Seventh Judicial Circuit, and for the Appointment of an Additional Judge for the Northern District of Illinois and for Creating an Additional District in the State of Illinois, to be Known as the Eastern District of Illinois, and for the Appointment of a Judge and other Officers of said District, and for Changing the Boundaries of the Districts in Illinois, and for Establishing Places for Holding Court in the Several Districts thus Created.** (33 Stat. 992.)

Be it enacted, &c., [Section 1 provides for the appointment of an additional circuit judge for the seventh circuit.]

This section is set forth post, under chapter 6 of this Title, with other provisions relating to the circuit judges.

**Sec. 2.** [Provides for the appointment of an additional district judge for the northern district of Illinois.]

This section is set forth post, under chapter 2 of this Title, with other provisions relating to the district judges.

**Illinois; northern district.**

**Sec. 3.** That the northern district of Illinois hereafter shall consist of the following counties in the State of Illinois, to wit: Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, White-

side, Lee, Ogle, Dekalb, Lasalle, Grundy, Kendall, Kane, Dupage, Will, and Cook, and that all other counties in the northern district of Illinois as the same has heretofore existed be, and the same are hereby, detached from the northern district of Illinois and annexed to the southern and eastern districts of Illinois as hereinafter provided.

Act March 3, 1905, c. 1427, § 3, 33 Stat. 993.

This act supersedes the previous provisions of Rev. St. § 536, which divided the state into two districts, and of subsequent statutes relating thereto, set forth in Comp. St. 1901, pp. 344-347.

The counties to be included in the southern district and the eastern district, respectively, are mentioned in sections 9 and 12 of this act, set forth below.

#### **Divisions in northern district.**

Sec. 4. That the northern district of Illinois shall be divided into two divisions, to be known as the eastern and western divisions. The counties of Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, and Ogle shall constitute the western division of said northern district of Illinois, the courts for which shall be held at the city of Freeport.

Act March 3, 1905, c. 1427, § 4, 33 Stat. 993.

Before this act, the district was divided into northern and southern divisions, by Act March 2, 1887, c. 315, § 2, Comp. St. 1901, p. 345. But the counties included by that act in the southern division are detached from the northern district, and annexed to the southern and eastern districts, by section 1 of this act, set forth above; and the division into northern and southern divisions is abolished by section 7 of this act, set forth below.

#### **Terms of courts for northern district.**

Sec. 5. That the terms of the circuit and district courts in and for said northern district of Illinois shall be held at the city of Chicago, as now provided by law, and at the city of Freeport, in the western division of said district, on the third Mondays of April and October of each year.

Act March 3, 1905, c. 1427, § 5, 33 Stat. 993.

Terms of the courts for the northern district previously provided by law at the city of Chicago, referred to in this section, were appointed by Rev. St. §§ 572, 658, and continued by Act March 2, 1887, c. 315, § 3, Comp. St. 1901, pp. 345, 466, 532.

Special terms of the courts for the district are authorized by section 21 of the act, set forth below.

#### **Place of bringing suits and criminal prosecutions in northern district; deputy marshal and deputy clerk.**

Sec. 6. That all civil suits not of a local nature, and all criminal prosecutions, shall be commenced and tried in the division of the said northern district of Illinois where the defendant or defendants reside or the offense is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside. When the defendant is a nonresident of the district, action may be brought in either division of said district wherein the defendant may be found.

That the marshal and clerk of said district shall each, respectively,

appoint at least one deputy to reside in said city of Freeport, unless he shall reside there himself, and also maintain an office at that place of holding court.

Act March 3, 1905, c. 1427, § 6, 33 Stat. 993.

**Previous northern and southern divisions in northern district abolished; transfer of civil causes pending in southern division to southern district.**

Sec. 7. That the division heretofore made of the northern district of Illinois into two divisions, known as the northern and southern divisions of the northern district of Illinois, is hereby abolished, provided that this Act shall not work a discontinuance of any suit or proceeding in law, equity, admiralty, or bankruptcy, or any civil proceeding now pending in the southern division of the northern district of Illinois, but all of said suits or proceedings so pending are hereby transferred to the southern district of Illinois as by this Act constituted, and shall be heard and disposed of in said southern district of Illinois as though originally instituted in said southern district of Illinois; and it shall be the duty of the clerk of the court from which such suit or proceeding is transferred to transmit to the clerk of the court to which the transfer is made the entire files or papers in all of said causes and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record under the seal of the court of all orders, interlocutory decrees, or other entries in any or all of said causes; and he shall also certify under the seal of the court that the papers sent are all which are on file in said court belonging to said causes respectively; for the performance of said duties said clerks shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs in said causes respectively; and such transcripts when so certified and received shall thenceforth constitute a part of the record of said causes respectively in the court to which such transfer shall be made: Provided, That all motions and causes submitted and all causes and proceedings, in law, equity, admiralty, or bankruptcy, pending in said southern division of the northern district of Illinois as heretofore constituted, in which evidence has been taken in whole or in part before the district judge of the northern district of Illinois, or taken in whole or in part and submitted to and passed upon by said district judge of said northern district of Illinois, shall be retained, proceeded with, and disposed of in said northern district of Illinois as constituted in this Act, and for this purpose the venue of any such causes or proceedings may be changed from the southern division of the northern district of Illinois as heretofore existing to the northern district of Illinois as constituted by this Act.

Act March 3, 1905, c. 1427, § 7, 33 Stat. 993.

The division into northern and southern divisions mentioned in this section was made by Act March 2, 1887, c. 315, § 2, Comp. St. 1901, p. 345. All the counties which by that act constituted the southern division, except the county of Iroquois, are included in the southern district, and the county of Iroquois is included in the eastern district, by sections 9, 12, of this act, set forth below.

**Officers for northern district.**

Sec. 8. That all officers who have been heretofore appointed for the northern district of Illinois as heretofore constituted who shall be in office at the time of the taking effect of this Act and who reside therein as hereby constituted shall continue in office as officers of the district of their residence until the expiration of their respective terms or until their successors are appointed and qualified, and shall perform the same duties and receive the same salary and compensation as heretofore.

Act March 3, 1905, c. 1427, § 8, 33 Stat. 994.

**Southern district.**

Sec. 9. That the southern district of Illinois hereafter shall consist of the following-named counties, to wit: Rock Island, Henry, Bureau, Mercer, Knox, Stark, Putnam, Marshall, Henderson, Warren, Peoria, Woodford, Livingston, McLean, Tazewell, Fulton, McDonough, Hancock, Dewitt, Logan, Mason, Schuyler, Adams, Brown, Cass, Menard, Macon, Sangamon, Christian, Morgan, Montgomery, Pike, Scott, Macoupin, Greene, Calhoun, Jersey, Bond, and Madison, and that all the other counties heretofore contained in said southern district are hereby detached from said southern district and annexed to the eastern district of Illinois, as hereinafter provided.

Act March 3, 1905, c. 1427, § 9, 33 Stat. 994.

The counties to be included in the eastern district are mentioned in section 12 of this act, set forth below.

**Divisions in southern district; place of bringing suits and criminal prosecutions; clerks of courts and deputy clerks; marshal and deputy marshal; terms of courts for southern district.**

Sec. 10. That the southern district of Illinois shall be divided into two divisions, to be known as the northern and southern divisions. The counties of Peoria, Bureau, Stark, Henry, Rock Island, Mercer, Henderson, Warren, Knox, McDonough, Fulton, Putnam, Marshall, Woodford, Tazewell, and Livingston shall constitute the northern division of said southern district of Illinois, the courts for which shall be held at the city of Peoria.

That all civil suits not of a local nature, and criminal prosecutions, must be brought in the division of the said southern district of Illinois where the defendant or defendants reside, or the offense is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside. When the defendant is a nonresident of the district, action may be brought in either division of said district wherein the defendant may be found.

That the clerks of the circuit and district courts of the southern district of Illinois shall be respectively the clerks of the courts of both divisions of the said district; that each of said clerks or his deputies shall keep an office open at all times at each of the places of holding of said court and shall there keep the records, files, and documents pertaining to the court of that division; and said clerks shall be entitled to the same fees now allowed by law. In addition to his powers to appoint deputies, as now prescribed by law, each of said clerks shall



be empowered to appoint, with the approval of the court, a chief deputy for a court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence.

That the marshal and clerk for said southern district of Illinois shall respectively appoint at least one deputy residing in the said northern division, and also maintain an office at that place of holding court.

That the terms of the circuit and district courts in and for said southern district of Illinois shall be held as now provided by law, and, at the city of Peoria, in the northern division of said district, on the third Mondays of April and October of each year.

Act March 3, 1905, c. 1427, § 10, 33 Stat. 994.

Before this act, nearly all the counties which by this section constitute the northern division of the southern district were included in the southern division of the northern district by Act March 2, 1887, c. 315, § 2, Comp. St. 1901, p. 345, and terms of the courts therefor were appointed at the city of Peoria, at the same times as the terms appointed by this section, by section 3 of the same act, Comp. St. 1901, p. 345.

Terms of the courts for the southern district previously provided by law, referred to in this section, were appointed at Springfield and at Cairo, by Rev. St. §§ 572, 658, Comp. St. 1901, pp. 466, 532, and at Quincy, by Act Aug. 8, 1888, c. 788, Comp. St. 1901, p. 346.

Special terms of the courts for the district are authorized by section 21 of this act, set forth below.

A further requirement that the marshal and the clerks of the courts for the district shall, respectively, maintain an office at the city of Peoria, is contained in section 11 of this act, set forth below.

**Place for additional offices of marshal and clerks of the courts for southern district.**

Sec. 11. That the marshal and the clerks of the circuit and district courts for the southern district of Illinois in addition to the offices now maintained by them shall, respectively, maintain an office at the city of Peoria.

Act March 3, 1905, c. 1427, § 11, 33 Stat. 995.

The marshal and clerk for the southern district are required, respectively, to maintain an office at the place of holding court in the northern division of the district, by a provision of section 10 of this act, set forth above.

**Eastern district.**

Sec. 12. That there shall be, and hereby is, created an additional judicial district in the State of Illinois to be known as the eastern district of Illinois, and the same shall consist of the following named counties in Illinois, to wit: Kankakee, Iroquois, Ford, Vermilion, Champaign, Piatt, Moultrie, Douglas, Edgar, Shelby, Coles, Clark, Cumberland, Effingham, Fayette, Marion, Clay, Jasper, Crawford, Lawrence, Richland, Clinton, Saint Clair, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Gallatin, Saline, Williamson, Jackson, Hardin, Pope, Johnson, Union, Alexander, Pulaski, and Massac.

Act March 3, 1905, c. 1427, § 12, 33 Stat. 995.

**District judge and other officers for eastern district.**

Sec. 13. That the President, by and with the advice and consent of the Senate, shall appoint for said eastern district of Illinois a district

judge, a marshal, and a district attorney, except where any such officer is retained as hereinafter provided; and clerks for said circuit and district courts shall be appointed in the same manner as is now provided by law with respect to such officers in the southern district of Illinois.

Act March 3, 1905, c. 1427, § 13, 33 Stat. 995.

The appointment for the northern district of an additional district judge is also provided for by section 2 of this act, set forth post. under chapter 2 of this Title.

**Jurisdiction and powers of courts and judges for eastern district.**

Sec. 14. That the courts and the judges of said eastern district of Illinois, shall within said district, respectively possess the same jurisdiction and powers, civil, criminal, equitable, or otherwise, and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the southern district of Illinois.

Act March 3, 1905, c. 1427, § 14, 33 Stat. 995.

**Compensation of judge, and powers, duties, and compensation of other officers, for eastern district.**

Sec. 15. That the district judge of said eastern district of Illinois shall receive the same compensation as is now by law provided for the district judge of the southern district of Illinois; and the marshal, district attorney, and clerks of the circuit and district courts shall severally possess the powers and perform the duties in said eastern district lawfully possessed and performed by the like officers in the said southern district of Illinois and shall be respectively entitled to like fees, compensation, and emoluments, and, until otherwise provided by law, the salaries herein prescribed or provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Act March 3, 1905, c. 1427, § 15, 33 Stat. 995.

**Terms of courts for eastern district.**

Sec. 16. That the terms of the circuit and district courts in and for said eastern district of Illinois shall be held at the city of Danville, commencing on the first Mondays of March and September of each year, and at the city of Cairo, commencing on the first Mondays of April and October of each year, and at the city of East Saint Louis, commencing on the first Monday of May and November of each year.

Act March 3, 1905, c. 1427, § 16, 33 Stat. 995.

Before this act, terms of the courts for the southern district were appointed at Danville by Act July 2, 1890, c. 651, Comp. St. 1901, p. 347, at Cairo by Rev. St. §§ 572, 658, Comp. St. 1901, pp. 466, 532, and at East Saint Louis by Act April 28, 1904, c. 1805, 33 Stat. 550. All these provisions are superseded by this section.

Special terms of the courts for the district are authorized by section 21 of this act, set forth below.

**Transfer of civil causes pending in northern and southern districts to eastern district.**

Sec. 17. That all civil causes and proceedings of every name and nature, including proceedings in bankruptcy, now pending in the courts of the northern and southern districts of Illinois as heretofore

constituted, whereof the courts of the eastern district of Illinois, as hereby constituted, would have had jurisdiction if the said eastern district of Illinois and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to, and same shall be proceeded with in, the eastern district of Illinois, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and such records and proceedings when so certified and transferred shall thenceforth constitute a part of the record of said causes, respectively, in the court to which such transfer shall be made, and all such suits and proceedings so transferred shall be heard and disposed of in the regular way at the terms of said courts for the eastern district of Illinois to be held at Danville, East Saint Louis, and Cairo, respectively, as herein provided: Provided, That all motions and causes submitted and all causes and proceedings in law, equity, admiralty, or bankruptcy, pending at the time of the taking effect of this Act in the northern and southern districts of Illinois as heretofore constituted, in which the evidence has been taken in whole or in part before the judges of the said northern and southern district of Illinois as heretofore constituted or taken in whole or in part and submitted to and passed upon by the said judges shall be retained, proceeded with, and disposed of in said northern and southern districts of Illinois, respectively, as constituted by this Act.

Act March 3, 1905, c. 1427, § 17, 33 Stat. 995.

**District judge for southern district; clerks of the courts for southern district.**

Sec. 18. That the district judge of the southern district of Illinois in office at the time this Act takes effect shall continue to be the district judge for the southern district of Illinois, as constituted by this Act; that the clerk of the circuit court for the southern district of Illinois in office at the time this Act takes effect shall continue to be clerk of the circuit court of the southern district of Illinois, as constituted by this Act, until his successor is appointed and qualified, and the clerk of the district court of the southern district of Illinois in office at the time this Act takes effect shall continue to be clerk of the district court of the southern district of Illinois until his successor is duly appointed and qualified, and said clerks of the circuit and district courts of the southern district of Illinois in office at the time this Act takes effect shall also be clerks of the circuit and district courts of the eastern district of Illinois, respectively, as constituted by this Act until their successors are duly appointed and qualified.

Act March 3, 1905, c. 1427, § 18, 33 Stat. 996.

**Officers for southern and eastern districts.**

Sec. 19. That all officers not residing in said southern district of Illinois, as constituted by this Act, shall cease to be officers of said southern district when their successors, respectively, for said southern district of Illinois, as hereby constituted, are duly appointed and qualified. The office of marshal and district attorney in each of said south-

ern and eastern districts of Illinois, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said eastern district of Illinois and the provisions of this Act, and all vacancies created in either of said districts shall be filled in the manner now provided by law for the appointment of said officers, respectively, in the southern district of Illinois as the same has heretofore existed. The salaries, pay, fees, and allowances of all officers of the eastern district of Illinois shall be the same as heretofore allowed, respectively, for the same officers in the southern district of Illinois as heretofore constituted.

Act March 3, 1905, c. 1427, § 19, 33 Stat. 996.

**Officers for southern district.**

Sec. 20. That all officers who have heretofore been appointed for the southern district of Illinois, as heretofore constituted, who shall be in office at the time of taking effect of this Act and who reside in said southern district as heretofore existing shall continue in their offices, respectively, of the district of their respective residences, as created by this Act, until the expiration of their respective terms of appointment, or until their successors are appointed and qualified, and shall perform the same duties and receive the same salaries and compensation as heretofore.

Act March 3, 1905, c. 1427, § 20, 33 Stat. 996.

**Special terms of courts for northern, southern, and eastern districts.**

Sec. 21. That special terms of the circuit and district courts may be held in the northern, southern, and eastern districts of Illinois whenever such special terms are deemed necessary by the judges of said courts, respectively, and the time or times of holding such special sessions of said courts shall be fixed by the judges of said courts, respectively, either by a rule of such courts or by special or general order of such courts entered of record in said courts.

Act March 3, 1905, c. 1427, § 21, 33 Stat. 996.

**Place for prosecution of offenses.**

Sec. 22. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed.

Act March 3, 1905, c. 1427, § 22, 33 Stat. 997.

**Place for prosecution of past offenses.**

Sec. 23. That in all prosecutions for crimes or offenses heretofore committed within either the northern or southern districts of Illinois, as hitherto constituted, shall be commenced and proceeded with in each of said districts, respectively, the same as if this Act had not been passed.

Act March 3, 1905, c. 1427, § 23, 33 Stat. 997.

**Repeal.**

Sec. 24. That all laws or parts of laws inconsistent herewith are hereby repealed.

Act March 3, 1905, c. 1427, § 24, 33 Stat. 997.

## [IOWA.]

**Sec. 537.**

A new division of the southern district is established, and terms of the courts therein are authorized, by Act April 28, 1904, c. 1800, set forth below.

**ACT JULY 20, 1882, c. 312, § 6.****Divisions in southern district.**

In addition to the eastern, central, and western divisions, into which the southern district was divided by this section, and the southern division, established by Act June 1, 1900, c. 601, set forth in Comp. St. 1901, p. 353, a division, designated the Davenport division, is established by Act April 28, 1904, c. 1800, set forth below.

**ACT JAN. 4, 1896, c. 3, § 2.****Terms of courts for southern district.**

Besides the terms of the courts for the southern district, appointed for the western, eastern, and central divisions by Act Jan. 4, 1896, c. 3, § 2, set forth in Comp. St. 1901, p. 353, and for the southern division by Act June 1, 1900, c. 601, § 1, as amended by Act Jan. 14, 1901, c. 13, § 1, also set forth in Comp. St. 1901, p. 352, terms are authorized by Act April 28, 1904, c. 1800, § 2, set forth below, at the city of Davenport in the Davenport division of the district established by that act.

**ACT APRIL 28, 1904, c. 1800. [H. R. 14673.]**

An Act to Create a New Division of the Southern Judicial District of Iowa, and to Provide for Terms of Court at Davenport, Iowa, and for a Clerk for said Court, and for Other Purposes. (33 Stat. 546.)

**Davenport division in southern district.**

Be it enacted, &c., That the counties of Scott, Muscatine, Washington, and Keokuk shall constitute a division of the southern judicial district of Iowa, to be known as the Davenport division of said court.

Act April 28, 1904, c. 1800, § 1, 33 Stat. 546.

Before this act, the southern district was divided into eastern, central, western, and southern divisions, by Act July 20, 1882, c. 312, § 6, and Act June 1, 1900, c. 601, § 1, set forth in Comp. St. 1901, pp. 351, 353.

**Terms of courts for southern district, Davenport division.**

Sec. 2. That terms of the circuit and district courts of the United States for the said southern district of Iowa shall be held twice in each year at the city of Davenport, Iowa, and that until otherwise provided by law the judges of said courts shall fix the times at which said courts shall be held at Davenport, of which they shall make publication and give due notice.

Act April 28, 1904, c. 1800, § 2, 33 Stat. 547.

**Process; place of prosecution of offenses; pending causes.**

Sec. 3. That all civil process issued against persons resident in the  
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said counties of Scott, Muscatine, Washington, and Keokuk, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Davenport, Iowa, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States courts at the city of Davenport, Iowa: Provided, That no process issued or prosecution commenced or suit instituted before the passage of this Act shall be in any way affected by the provisions hereof.

Act April 28, 1904, c. 1800, § 8, 33 Stat. 547.

**Place for additional office of clerks of the courts for southern district in Davenport division; court rooms.**

Sec. 4. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or a deputy, at the said city of Davenport, Iowa, for the transaction of the business of said division.

Suitable quarters for the maintenance of said clerk's office and for holding said court shall be furnished without expense to the United States.

Act April 28, 1904, c. 1800, § 4, 33 Stat. 547.

[KANSAS.]

**ACT JUNE 9, 1890, c. 403, § 1.**

**Divisions in district; terms of courts.**

Additional terms of the courts for the district of Kansas in the first division, established by this section, set forth in Comp. St. 1901, p. 858, are appointed at Kansas City, Kan., by Act Feb. 19, 1903, c. 709, set forth below.

**ACT FEB. 19, 1903, c. 709.**

An Act Providing for the Holding of Terms of the Circuit and District Courts of the United States at Kansas City, Kansas, and for Other Purposes. (32 Stat. 849.)

**Terms of courts for district, first division.**

Be it enacted, &c., That terms of the circuit court and of the district court of the United States for the first division of the judicial district of Kansas in addition to those now provided by law shall be hereafter held at the city of Kansas City, Kansas, on the second Monday of January and first Monday of October of each year, but a jury shall not attend said October term excepting upon the order of the court, and a grand jury shall not attend either of said terms except upon the order of the district court.

Act Feb. 19, 1903, c. 709, § 1, 32 Stat. 849.

The first division of the district is established and defined by Act June 9, 1890, c. 403, § 1, and Act May 3, 1892, c. 59, § 1, set forth in Comp. St. 1901, pp. 356, 357.

**Repeal.**

Sec. 2. That all Acts and parts of Acts so far as in conflict with the provisions of this Act are hereby repealed.

Act Feb. 19, 1903, c. 709, § 2, 32 Stat. 849.

## [KENTUCKY.]

**ACT FEB. 12, 1901, c. 355, § 9.**

[Amended. Act March 10, 1902, c. 144.]

This section, set forth in Comp. St. 1901, p. 362, is superseded by the express amendment thereof by Act March 10, 1902, c. 144, set forth below.

**ACT MARCH 10, 1902, c. 144.**

An Act Establishing a United States Court at Catlettsburg, in the Eastern District of Kentucky. (32 Stat. 58.)

**Amendment of Act Feb. 12, 1901, c. 355, § 9.**

Be it enacted, &c., That section nine of "An Act to divide Kentucky into two judicial districts," approved February twelfth, nineteen hundred and one, be, and the same is hereby, amended so as to read:

**Terms of courts.**

"Sec. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the second Monday in March and the second Monday in October in each year; at Owensboro, beginning on the fourth Monday in November and the first Monday in May in each year; at Paducah, beginning on the third Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in May and the second Monday in December in each year.

"That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Frankfort, beginning on the second Monday in March and the fourth Monday in September in each year; at Covington, beginning on the first Monday in April and the third Monday in October in each year; at Richmond, beginning on the fourth Monday in April and the second Monday in November in each year; at London, beginning on the second Monday in May and the fourth Monday in November in each year; at Catlettsburg, beginning on the fourth Monday in May and the second Monday in December in each year, and at such other times and places as may hereafter be provided by law."

Act March 10, 1902, c. 144, 32 Stat. 58.

The section amended by this act, Act Feb. 12, 1901, c. 355, § 9, is set forth in Comp. St. 1901, p. 362. The amendment consists in the insertion, near the end of the section, of the provision for terms of the courts at Catlettsburg.

## [LOUISIANA.]

**ACT MARCH 3, 1881, c. 144, §§ 1, 5.****Louisiana; districts.**

In the western district, established by section 1 of this act, set forth in Comp. St. 1901, p. 363, and divided into four divisions by Act

Aug. 8, 1888, c. 789, set forth in Comp. St. 1901, p. 365, an additional division is established by Act March 2, 1905, c. 1308, § 1, set forth below.

**Terms of courts for western district.**

Besides the terms of the courts for the western district appointed by section 5 of this act, set forth in Comp. St. 1901, p. 364, additional terms are appointed by Act March 2, 1905, c. 1308, § 2, set forth below, in the new division in the district established by that act.

**ACT AUG. 8, 1888, c. 789, § 1.**

**Divisions in western district.**

In addition to the divisions of the western district established by this section, set forth in Comp. St. 1901, p. 365, a new division is established therein by Act March 2, 1905, c. 1308, § 1, set forth below.

**ACT MARCH 2, 1905, c. 1308. [H. R. 17579.]**

An Act to Create a New Division of the Western Judicial District of Louisiana, and to Provide for Terms of Court at Lake Charles, Louisiana, and for Other Purposes. (33 Stat. 841.)

**Additional division in western district.**

Be it enacted, &c., That the parishes of Acadia, Calcasieu, Cameron, and Vernon shall constitute a division of the western judicial district of Louisiana.

Act March 2, 1905, c. 1308, § 1, 33 Stat. 841.

Before this act, the western district was divided into four divisions by Act Aug. 8, 1888, c. 789, § 1, set forth in Comp. St. 1901, p. 365.

**Terms of courts for western district, in additional division.**

Sec. 2. That terms of the circuit and district courts of the United States for the said western district of Louisiana shall be held on the third Mondays in May and December in each year at the city of Lake Charles, Louisiana.

Act March 2, 1905, c. 1308, § 2, 33 Stat. 841.

Before this act, the terms of the courts for the western district were appointed by Act March 3, 1881, c. 144, § 5, and Act May 18, 1900, c. 481, set forth in Comp. St. 1901, pp. 364, 368.

**Process; place of prosecutions for offenses; pending causes; past offenses.**

Sec. 3. That all civil process issued against persons resident in the said parishes of Acadia, Calcasieu, Cameron, and Vernon, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Lake Charles, and all prosecutions for offenses committed in any of said parishes shall be tried in the appropriate United States court at the city of Lake Charles: Provided, That no process issued or prosecution commenced or suit instituted before the passage of this bill shall be in any way affected by the provisions hereof: And provided further, That all crimes and misdemeanors which shall have been committed prior to the passage



of this Act in the parishes hereby constituted a division of the western judicial district of Louisiana shall be commenced and tried in all respects as if this Act had not been passed.

Act March 2, 1905, c. 1808, § 3, 33 Stat. 841.

**Place for office of clerks of courts in additional division; court rooms.**

Sec. 4. That the clerks of the circuit and district courts of said district shall maintain an office in charge of themselves or deputy at the said city of Lake Charles, which shall be kept open at all times for the transaction of the business of said division: Provided, however, That suitable rooms and accommodations are furnished for holding said courts free of expense to the Government of the United States.

Act March 2, 1905, c. 1808, § 4, 33 Stat. 841.

**[MINNESOTA.]**

**ACT APRIL 26, 1890, c. 167, §§ 3, 4.**

**Place of trial of causes.**

An additional district judge for the district of Minnesota is authorized, and provision made for the division of business and the assignment of cases for trial in the district, by Act Feb. 4, 1903, c. 402, set forth post, under chapter 2 of this Title.

**Terms of courts.**

Section 4 of this act, set forth in Comp. St. 1901, p. 376, appointing terms of the courts for the district, is superseded by the express amendment thereof by Act Feb. 9, 1904, c. 153, set forth below.

**ACT FEB. 9, 1904, c. 153. [S. 707.]**

An Act to Amend an Act Entitled "An Act Providing the Terms and Places of Holding the Courts of the United States in the District of Minnesota, and for Other Purposes," Approved April twenty-sixth, Eighteen hundred and ninety. (33 Stat. 11.)

**Amendment of Act April 26, 1890, c. 167, § 4.**

Be it enacted, &c., That section four of an Act entitled "An Act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April twenty-sixth, eighteen hundred and ninety, be amended so as to read as follows:

**Terms of courts.**

"Sec. 4. That regular terms of the circuit and district courts shall be held as follows: For the first division, on the third Tuesday in May and the third Tuesday in November; for the second division, on the fourth Tuesday in April and the fourth Tuesday in October; for the third division on the first Tuesday in June and the first Tuesday in December; for the fourth division, on the first Tuesday in April and the first Tuesday in October; for the fifth division, on the second Tuesday in January and the second Tuesday in July; for the sixth

division, on the first Tuesday in May and the second Tuesday in November."

Act Feb. 9, 1904, c. 153, § 1, 33 Stat. 11.

The section amended by this act, Act April 26, 1890, c. 167, § 4, is set forth in Comp. St. 1901, p. 376.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect and be in force from and after the first day of March, anno Domini nineteen hundred and four.

Act Feb. 9, 1904, c. 153, § 2, 33 Stat. 11.

[MISSOURI.]

**Sec. 540.**

The counties of Linn and Chariton are detached from the western district, and attached to the eastern district, by Act April 8, 1904, c. 947, set forth below. And a southeastern division in the eastern district is established by Act Jan. 31, 1905, c. 287, also set forth below.

**ACT FEB. 28, 1887, c. 271, §§ 1-3.**

**Missouri; districts.**

The districts as established by section 1 of this act, with alterations by subsequent provisions set forth in Comp. St. 1901, pp. 388, 389, are further altered by detaching the counties of Linn and Chariton from the western district, and attaching them to the eastern district, by Act April 8, 1904, c. 947, set forth below.

**Divisions in districts.**

In addition to the northern and eastern divisions into which the eastern district was divided by section 2 of this act, set forth in Comp. St. 1901, p. 385, a southeastern division is established therein by Act Jan. 31, 1905, c. 287, set forth below.

**Terms of courts.**

Besides the terms of the courts for the eastern district appointed by this section, set forth in Comp. St. 1901, p. 386, terms are appointed by Act Jan. 31, 1905, c. 287, § 2, in the southeastern division in the district established by that act.

**ACT APRIL 8, 1904, c. 947. [H. R. 8681.]**

An Act to Detach the Counties of Linn and Chariton, in the State of Missouri, from the Western and Attach them to the Eastern Judicial District of said State. (33 Stat. 164.)

**Counties transferred from western district to eastern district; pending causes.**

Be it enacted, &c., That the counties of Linn and Chariton, in the State of Missouri, be detached from the western and attached to the eastern judicial district of the State of Missouri: Provided, That the courts of the said western district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said counties and begun and pending at the date of the taking effect of this Act as completely as if this Act were not passed.

Act April 8, 1904, c. 947, 33 Stat. 164.

**ACT JAN. 31, 1905, c. 287. [H. R. 12898.]**

**An Act to Create a New Division in the Eastern Judicial District of the State of Missouri. (33 Stat. 626.)**

**Southeastern division in eastern district; officers therein.**

Be it enacted, &c., That a new division of the eastern judicial district of the State of Missouri, to be known as the southeastern division judicial district of Missouri, be, and the same is hereby, established, to be composed of the following counties, to wit: Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Butler, Ripley, Carter, Oregon, Shannon, Reynolds, Wayne, Madison, Bollinger, and Perry, and said counties be, and the same are hereby, transferred to said southeastern division of said eastern district of Missouri; but no additional clerk or marshal shall be appointed in or for said division of said district.

Act Jan. 31, 1905, c. 287, § 1, 33 Stat. 626.

Before this act, the eastern division was divided into a northern and an eastern division, by Act Feb. 28, 1887, c. 271, § 2, set forth in Comp. St. 1901, p. 385.

**Terms of courts for eastern district, southeastern division.**

Sec. 2. That terms of the circuit and district courts of the said southeastern division judicial district of Missouri shall be held in the city of Cape Girardeau, in said State, on the second Monday in April and October of each year, after this Act goes into effect.

Act Jan. 31, 1905, c. 287, § 2, 33 Stat. 627.

**Officers for eastern district in southeastern division; deputy clerk.**

Sec. 3. That the clerks of the district and circuit courts for the eastern district of Missouri and the marshal and attorney of the United States for said district shall perform the duties appertaining to their offices, respectively, for said courts of said southeastern division judicial district, and the clerk's office of said courts shall be at Saint Louis, where all records of said courts may be kept and all duties performed, except when court is in session at Cape Girardeau; but should the business of said courts hereafter warrant a deputy clerk at Cape Girardeau, in the judgment of the district judge, then new books and records may be opened for the courts herein created and kept at Cape Girardeau, and a deputy clerk appointed to reside and keep his office at Cape Girardeau.

Act Jan. 31, 1905, c. 287, § 4, 33 Stat. 627.

**Place of bringing suit.**

Sec. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division.

Act Jan. 31, 1905, c. 287, § 4, 33 Stat. 627.

**Place of prosecution for offenses; past offenses.**

Sec. 5. That all prosecutions for crimes or offenses hereafter com-

mitted in either of the divisions of said district shall be cognizable within the division in which the said crimes are committed, and all prosecutions for crimes or offenses heretofore committed in the eastern district of Missouri, as heretofore constituted, shall be commenced and proceeded with as if this Act had not been passed.

Act Jan. 31, 1905, c. 287, § 5, 33 Stat. 627.

**Residence of jurors; process.**

Sec. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or any of the divisions.

Act Jan. 31, 1905, c. 287, § 6, 33 Stat. 627.

**Removal of causes from State courts.**

Sec. 7. That in all cases of removal of suits from courts of the State of Missouri to the courts of the United States in the eastern district of Missouri such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said southeastern division judicial district.

Act Jan. 31, 1905, c. 287, § 7, 33 Stat. 627.

**Time of taking effect of act; repeal; court rooms.**

Sec. 8. That this Act shall be in force from and after the thirty-first day of July, anno Domini nineteen hundred and five, and all Acts or parts of Acts so far as inconsistent herewith are hereby repealed: Provided, however, That suitable rooms and accommodations are furnished for the holding of said court at said place free of expense to the Government of the United States.

Act Jan. 31, 1905, c. 287, § 8, 33 Stat. 627.

[MONTANA.]

**ACT JULY 7, 1898, c. 571, § 1.**

**Montana; terms of courts.**

Besides the terms of the courts for the district of Montana appointed at Butte by the provisions of this act set forth in Comp. St. 1901, p. 391, additional to those at the capital of the State by provisions of Act Feb. 22, 1889, c. 180, § 21, 25 Stat. 682, terms at Great Falls are appointed by Act April 27, 1904, c. 1610, set forth below.

**ACT APRIL 27, 1904, c. 1610. [S. 2385.]**

An Act Providing for Holding Regular Terms of the Circuit and District Courts of the United States at Great Falls, Montana. (33 Stat. 313.)

**Additional terms of courts; transfer of causes; interlocutory orders.**

Be it enacted, &c., That hereafter, and until otherwise provided by

law, regular terms of the circuit and district courts of the United States for the district of Montana shall be held at Great Falls, Montana, on the first Monday in May and on the first Monday in October in each year, and causes civil and criminal may be transferred by the court or judge thereof from Helena or Butte to Great Falls or from Great Falls to Butte or Helena, in said district, when the convenience of parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place.

Act April 27, 1904, c. 1610, 33 Stat. 313.

[NORTH CAROLINA.]

**Sec. 543.**

**North Carolina.**

A clerk of the circuit court and the district court for the eastern district, at Wilmington, is authorized by an amendment of Act June 4, 1872, c. 282, § 3, which was incorporated into this section of the Revised Statutes, set forth in Comp. St. 1901, p. 397, by Act April 15, 1902, c. 508, further amended by Act March 3, 1905, c. 1436, to read as set forth below. Additional terms of the courts for the eastern district at Washington are appointed by Act March 3, 1905, c. 1437, set forth below. And additional terms of the courts for the western district at Wilkesboro are appointed by Act Feb. 23, 1903, c. 749, amended by Act April 22, 1904, c. 1422, to read as set forth below.

**ACT AUG. 9, 1894, c. 244, §§ 2, 3.**

**Terms of courts for eastern district.**

Additional terms of the circuit and district courts for the eastern district are appointed at the city of Washington by Act March 3, 1905, c. 1437, set forth below.

**ACT APRIL 15, 1902, c. 508. [As amended 1905.]**

An Act to Establish and Provide for a Clerk for the Circuit and District Courts of the United States Held at Wilmington, North Carolina. (32 Stat. 106.)

**Additional clerks for eastern district.**

Be it enacted, &c., That section three, chapter two hundred and eighty-two of the United States Statutes at Large, volume seventeen, be amended by adding thereto, at the end of said section, the following:

"And the circuit and district judges for the eastern district shall appoint, besides a clerk of said court, held at Raleigh, additional clerks, who shall reside and keep their offices at Wilmington, Newbern, and Elizabeth City, and be clerks both of the district and circuit courts held at Wilmington, Newbern, and Elizabeth City, and who shall have the custody and control of the records of said courts, shall give the same bonds required of the clerk of circuit and district courts of said district, and shall receive the same fees and compensation for services performed by clerks of such courts now fixed by law."

Act April 15, 1902, c. 508, 32 Stat. 106. Act March 3, 1905, c. 1436, 33 Stat. 1004.

The section amended by this act, section 3 of Act June 4, 1872, c.

282, 17 Stat. 215, provided that the eastern district of North Carolina should consist of the counties not included in the western district, established by that act, and that terms of the circuit and district courts therein should be held at the times and places theretofore appointed. That section was incorporated, with section 1 of the same act, establishing the western district, in Rev. St. § 543. This act, therefore, is to be regarded as amending Rev. St. § 543, by adding at the end thereof the provisions which it directs to be added at the end of Act June 4, 1872, c. 282, § 8, 17 Stat. 215. The provisions originally enacted were for an additional clerk of the district and circuit courts at Wilmington. They are amended by Act March 3, 1905, c. 1436, cited above, to include also clerks of both courts at Newbern and Elizabeth City as set forth here.

Terms of the district court for the eastern district at Wilmington, Newbern, and Elizabeth City, and of the circuit court for the eastern district at Wilmington, are appointed by Act Aug. 9, 1894, c. 244, §§ 2, 3, set forth in Comp. St. 1901, p. 398.

**ACT FEB. 23, 1903, c. 749. [As amended 1904.]**

**An Act to Establish United States Courts at Wilkesboro, North Carolina. (32 Stat. 852.)**

**Additional terms of courts for western district.**

Be it enacted, &c., That two terms of the circuit and district courts of the United States for the western district of North Carolina shall be held in each and every year in the town of Wilkesboro, North Carolina, beginning, respectively, on the fourth Monday in May and November, to continue till the business is disposed of.

Act Feb. 23, 1903, c. 749, § 1, 32 Stat. 852. Act April 22, 1904, c. 1422, § 1, 33 Stat. 250.

The amendment of this section by Act April 22, 1904, c. 1422, § 1, cited above, consists in the change of the times for holding the terms of the courts, as fixed by the original act, the "second Monday in July and November," to "fourth Monday in May and November," as set forth here.

Before this act, terms of the courts for the western district were appointed at Greensboro, Statesville, and Asheville by Rev. St. §§ 572, 658, and at Charlotte by Act June 19, 1878, c. 322, set forth in Comp. St. 1901, p. 397.

**Additional clerk of courts for western district.**

Sec. 2. That in addition to the clerks provided for the western district of North Carolina, in section six hundred and twenty-one of the Revised Statutes of the United States, the circuit and district judges shall appoint a clerk, who shall reside and have his office at Wilkesboro, North Carolina, and who shall be the clerk of both the circuit and district courts of the United States at that place.

Act Feb. 23, 1903, c. 749, § 2, 32 Stat. 853. Act April 22, 1904, c. 1422, § 2, 33 Stat. 250.

This section, as originally enacted, provided that the clerk of the circuit and district courts at Statesville should be the clerk of the circuit and district courts at Wilkesboro, and should appoint a deputy clerk to reside at Wilkesboro. The section is stricken out, by amendment, by Act April 22, 1904, c. 1422, § 2, and in lieu thereof is inserted the section reading as set forth here.

**ACT MARCH 3, 1905, c. 1437. [H. R. 14589.]**

An Act to Provide for Terms of the United States District and Circuit Courts at Washington, North Carolina. (33 Stat. 1004.)

**Additional terms of courts for eastern district.**

Be it enacted, &c., That two terms of the circuit and district courts of the United States for the eastern district of North Carolina shall be held in each and every year in the city of Washington, North Carolina, beginning, respectively, on the second Monday in April and October, to continue until the business is disposed of.

Act March 3, 1905, c. 1437, § 1, 33 Stat. 1004.

Before this act, terms of the courts for the eastern district were appointed by Act Aug. 9, 1894, c. 244, §§ 2, 3, set forth in Comp. St. 1901, p. 398.

**Clerk for eastern district; deputy clerk; court rooms.**

Sec. 2. That the clerk of the United States circuit and district courts at the city of Raleigh, North Carolina, shall be the clerk of the United States circuit and district courts at Washington, North Carolina, and said courts, respectively, may, on the application of the clerk, appoint a deputy clerk, with the usual powers of a deputy clerk in such cases, who shall reside at Washington, North Carolina, and whose compensation shall be such proportion of the fees accruing from business done in said courts at Washington, North Carolina, as shall be fixed by the judge of said district: Provided, That the city of Washington, North Carolina, shall provide and furnish at its own expense a suitable and convenient place for holding the circuit and district courts of the United States at Washington, North Carolina.

Act March 3, 1905, c. 1437, § 2, 33 Stat. 1004.

[PENNSYLVANIA.]

**Sec. 545.**

**Pennsylvania.**

The times for the terms of the district court for the eastern district, appointed by Rev. St. § 572, are changed by Act June 30, 1902, c. 1338, set forth below; and the times for the terms of the circuit and district courts for the middle district, appointed by Act March 2, 1901, c. 801, § 2, Comp. St. 1901, p. 406, are changed by Act June 30, 1902, c. 1335, also set forth below.

**ACT MARCH 2, 1901, c. 801, § 2.**

**Terms of court for middle district.**

The times for the terms of the courts appointed by this section are changed by amendment of this act by Act June 30, 1902, c. 1335, set forth below.

**ACT JUNE 30, 1902, c. 1335.**

An Act Amending an Act Creating the Middle District of Pennsylvania. (32 Stat. 549.)

**Terms of courts for middle district.**

Be it enacted, &c., That the terms of the circuit and district courts

of the middle district of Pennsylvania shall be as follows, to wit: At the city of Scranton, in the county of Lackawanna, on the fourth Monday of February and the third Monday of October in each year; at the city of Harrisburg, in the county of Dauphin, on the first Monday of May and the first Monday of December in each year, and at the city of Williamsport, in the county of Lycoming, on the second Monday of January and the second Monday of June in each year. The sessions of the said courts shall continue for such time as the judges thereof shall severally direct and determine; and adjourned sittings and sessions may be held from time to time according as the business of the said courts shall, in the opinion of the same, require it.

Act June 30, 1902, c. 1335, § 1, 32 Stat. 549.

Before this act, the terms of the courts for the middle district were appointed by section 2 of the act to which this act is an amendment, Act March 2, 1901, c. 801, set forth in Comp. St. 1901, p. 406.

#### **Records of courts for middle district.**

Sec. 2. That the records of the circuit and the district courts shall be kept at the city of Scranton; but the said courts may provide by rule for the keeping of provisional or temporary records at Harrisburg and Williamsport of such actions, suits, or proceedings as may be there entered or brought. Nothing herein contained, however, shall be construed as requiring the removal to Scranton of the records of the late courts of the western district at Williamsport, but the same shall there remain as heretofore, under the control and direction of the courts of the middle district, as provided in the ninth section of the Act, to which this is an amendment, and in the charge and custody of the respective clerks thereof.

Act June 30, 1902, c. 1335, § 2, 32 Stat. 549.

General provisions relating to the place of keeping the records of the district courts are contained in Rev. St. § 562, set forth in Comp. St. 1901, p. 454.

The provisions of section 9 of the act to which this act is an amendment, Act March 2, 1901, c. 801, § 9, 31 Stat. 882, referred to in this section, relate to records of causes pending at the time of the organization of the courts of the middle district pursuant to that act.

#### **Number of petit jurors to be summoned.**

Sec. 3. That the number of traverse or petit jurors summoned to attend at any term of the said courts shall not be less than twenty-four nor more than forty-eight, as the said courts by their order from time to time shall direct.

Act June 30, 1902, c. 1335, § 3, 32 Stat. 549.

Provisions relating to the summoning of jurors for the circuit and district courts are contained in chapter 15 of this Title, Comp. St. 1901, pp. 623-630.

#### **ACT JUNE 30, 1902, c. 1336.**

An Act to Change the Terms of the District Court for the Eastern District of Pennsylvania. (32 Stat. 549.)

#### **Terms of district court for eastern district.**

Be it enacted, &c., That the terms of the district court for the east-



ern district of Pennsylvania shall hereafter begin on the second Monday of March, the second Monday of June, the third Monday of September, and the second Monday of December, each term to continue until the succeeding term begins.

Act June 30, 1902, c. 1836, § 1, 32 Stat. 549.

Before this act, the terms of the district court for the eastern district were appointed by a provision of Rev. St. § 572, set forth in Comp. St. 1901, p. 472.

**Pending causes not affected.**

Sec. 2. That no action, suit, proceeding, or process in the said district court shall abate or be in any respect invalidated by reason of the change of terms made by the foregoing section, but the said actions, suits, proceedings, and processes shall be returnable to, pending, and triable in the term hereby established next after the return day thereof.

Act June 30, 1902, c. 1836, § 2, 32 Stat. 549.

[SOUTH DAKOTA.]

**ACT NOV. 3, 1893, c. 10, § 3.**

**Terms of courts.**

The times for the terms of the courts appointed by this section are changed by Act May 9, 1902, c. 785, set forth below, which repeals existing provisions contrary thereto.

**ACT MAY 9, 1902, c. 785.**

An Act Fixing the Terms of the Circuit and District Courts in and for the District of South Dakota, and for Other Purposes. (32 Stat. 197.)

**Terms of courts.**

Be it enacted, &c., That hereafter the terms of the district and circuit courts of the United States in and for the State of South Dakota shall be held as follows: At Sioux Falls, the first Tuesday in April and the third Tuesday in October; at Aberdeen, the first Tuesday in May and the second Tuesday in November; at Pierre, the second Tuesday in June and the first Tuesday in October; at Deadwood, the third Tuesday in May and the first Tuesday in September.

Act May 9, 1902, c. 785, § 1, 32 Stat. 197.

Before this act, the terms of the courts for the district were appointed by Act Nov. 3, 1893, c. 10, § 3, set forth in Comp. St. 1901, p. 412.

**Repeal; pending causes not affected.**

Sec. 2. That the provisions of statute now existing for the holding of said courts on any day contrary to the provisions of this Act are hereby repealed, and all suits, prosecutions, process, recognizances, bail bonds and other things pending in or returnable to said courts on the days now fixed by law are hereby transferred to and shall be made returnable to and have force in the said respective terms in this Act

provided in the same manner and with the same effect as they would have had had said existing statute not have been passed.

Act May 9, 1902, c. 785, § 2, 32 Stat. 197.

This section may be regarded as repealing Act Nov. 3, 1893, c. 10, § 3, Comp. St. 1901, p. 412.

**Juries; residence of jurors.**

Sec. 3. That when the circuit and district courts are held, as provided in this Act, at the same time and place, one grand and one petit jury only shall be summoned and serve in both said courts, and all grand and all petit juries for the circuit and district courts of the district of South Dakota shall be drawn from the body of said district and from the inhabitants of the State of South Dakota who are liable according to the laws of said State to do jury duty in the courts thereof, in the manner now provided by law.

Act May 9, 1902, c. 785, § 3, 32 Stat. 197.

**Time of taking effect of act.**

Sec. 4. That this Act shall be in full force and effect on and after July first, anno Domini nineteen hundred and two.

Act May 9, 1902, c. 785, § 4, 32 Stat. 198.

[TENNESSEE.]

**Sec. 547.**

The time for one of the terms of the courts in the northern division of the eastern district, fixed by Act Feb. 2, 1899, c. 83, § 1, set forth in Comp. St. 1901, p. 418, is changed by Act April 28, 1904, c. 1797, § 1, set forth below.

**ACT FEB. 2, 1899, c. 83, § 1.**

**Terms of court for eastern district, northern division.**

The term of the courts at Knoxville appointed by this section, set forth in Comp. St. 1901, p. 418, to commence on the second Monday in March, is changed to commence on the first Monday in March, by Act April 28, 1904, c. 1797, § 1, set forth below.

**ACT APRIL 28, 1904, c. 1797. [H. R. 14533.]**

An Act to Change and Fix the Time for Holding the District and Circuit Courts for the Northern Division of the Eastern District of Tennessee. (33 Stat. 545.)

**Terms of court for eastern district, northern division.**

Be it enacted, &c., That the term of the circuit and district courts of the United States for the northern division of the eastern district of Tennessee, held at Knoxville, Tennessee, shall commence on the first Monday in March of each year instead of the second Monday in March, as is now provided by law; and said term shall continue as long as the presiding judge may deem it necessary.

Act April 28, 1904, c. 1797, § 1, 33 Stat. 545.

Before this act, the time for the term of the courts mentioned in this section was fixed by Act Feb. 2, 1899, c. 83, § 1, set forth in Comp. St. 1901, p. 418.

**Pending causes.**

Sec. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the term of said courts, but the same shall be deemed to be returnable to, pending and triable at the term herein provided for.

Act April 28, 1904, c. 1797, § 2, 33 Stat. 545.

**Repeal.**

Sec. 3. That all laws and parts of laws conflicting with this Act be, and are hereby, repealed.

Act April 28, 1904, c. 1797, § 8, 33 Stat. 545.

## [TEXAS.]

**Sec. 548.**

All previous provisions relating to the division of the state of Texas into judicial districts, the district judges and the clerks of the district and circuit courts and other officers for such districts, and the terms of the courts therefor, are superseded by Act March 11, 1902, c. 183, set forth below, which makes a new division into four districts, the northern, the eastern, the southern, and the western districts, and provides for a district judge and other officers and for terms of the courts for each of such districts. Subsequent provisions amendatory thereof are also set forth below.

**ACT MARCH 11, 1902, c. 183. [As amended 1903.]**

An Act to Divide the State of Texas into Four Judicial Districts.  
(32 Stat. 64.)

**Texas; districts.**

Be it enacted, &c., That the State of Texas is divided into four judicial districts, which shall be called the northern, the eastern, the southern, and the western judicial districts of the State of Texas.

The northern judicial district includes the following counties and the waters thereof:

Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, Hunt, Comanche, Hood, Erath, Tarrant, Parker, Palo Pinto, Wise, Clay, Jack, Young, Wichita, Wilbarger, Archer, Baylor, Cottle, Hardeman, Motley, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Deaf Smith, Randall, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutchinson, Hansford, Sherman, Moore, Hartley, Dallam, Eastland, Stephens, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Nolan, Fisher, Stone-wall, Kent, Dickens, King, Crosby, Garza, Lubbock, Gaines, Andrews, Mitchell, Scurry, Borden, Howard, Martin, Midland, Glasscock, Sterling, Coke, Tom Green, Crockett, Schleicher, Sutton, Irion, Mills, Runnels, Coleman, Brown, Bailey, Castro, Cochran, Dawson, Floyd, Foard, Hale, Hockley, Lamb, Lynn, Parmer, Swisher, Terry, Upton, Yoakum, Concho, and Menard.

The eastern judicial district includes the following counties and the waters thereof:

Cooke, Denton, Montague, Collin, Grayson, Liberty, Jefferson, Orange, Newton, Jasper, Hardin, Tyler, San Augustine, Sabine, Shelby, Nacogdoches, Angelina, Houston, Anderson, Cherokee, Panola, Rusk, Smith, Henderson, Van Zandt, Rains, Gregg, Wood, Upshur, Harrison, Marion, Cass, Bowie, Red River, Titus, Camp, Hopkins, Morris, Franklin, Lamar, Fannin, and Delta.

The southern judicial district includes the following counties and the waters thereof:

Polk, Trinity, Madison, Brazos, Grimes, Walker, San Jacinto, Montgomery, Harris, Chambers, Galveston, Brazoria, Fort Bend, Waller, Austin, Colorado, Lavaca, Wharton, Matagorda, Jackson, Victoria, Goliad, Calhoun, Refugio, Aransas, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Webb, Dimmitt, Lasalle, McMullen, and Duval.

The western judicial district includes the following counties and the waters thereof:

Maverick, Bee, Live Oak, Karnes, Dewitt, Gonzales, Guadalupe, Wilson, Atascosa, Bexar, Comal, Kendall, Kerr, Edwards, Bandera, Medina, Frio, Zavalla, Uvalde, Kinney, Pecos, Presidio, El Paso, Fayette, Washington, Burleson, Milam, Robertson, Leon, Freestone, Limestone, Hill, Bosque, Somervell, Hamilton, Coryell, McLennan, Falls, Bell, Williamson, Lee, Bastrop, Caldwell, Hays, Travis, Blanco, Burnet, Gillespie, Llano, Mason, McCulloch, Kimble, San Saba, Lampasas, Brewster, Winkler, Ward, Valverde, Crane, Ector, Jeff Davis, Loving, and Reeves.

Act March 11, 1902, c. 183, § 1, 32 Stat. 64.

This act supersedes all the previous provisions of Act Feb. 24, 1879, c. 97, which divided the state into three districts, and of subsequent statutes relating thereto, set forth in Comp. St. 1901, pp. 422-435.

The county of Dimmitt is detached from the southern district and attached to the western district by Act Feb. 9, 1903, c. 532, set forth below.

Fayette county is taken out of the western district and placed in the southern district by Act Jan. 21, 1905, c. 52, set forth below.

#### **District judges.**

Sec. 2. That the district judge of the northern judicial district as heretofore constituted and in office when this Act takes effect shall be the district judge of the northern judicial district as hereby constituted; the district judge of the eastern judicial district as heretofore constituted and in office when this Act takes effect shall be the district judge of the eastern judicial district as hereby constituted, and the district judge of the western judicial district as heretofore constituted and in office when this Act takes effect shall be the district judge of the western judicial district as hereby constituted.

The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the southern judicial district of Texas as hereby constituted, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said southern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within said southern judicial

district as are now possessed and performed by the district judges of the judicial districts in said State of Texas.

Act March 11, 1902, c. 183, § 2, 32 Stat. 65.

Before this act, a district judge for each of the three districts of Texas was authorized by Act Feb. 24, 1879, c. 97, § 7, set forth in Comp. St. 1901, p. 425.

#### **Clerks of circuit courts and district courts.**

Sec. 3. That the clerk of the circuit court and the clerk of the district court in the northern judicial district as heretofore constituted and in office when this Act takes effect shall continue to be the clerks of the circuit and district courts, respectively, of the northern judicial district as hereby constituted, until their successors respectively shall be appointed and qualified.

The clerk of the circuit court and the clerk of the district court of the eastern judicial district as heretofore constituted and in office when this Act takes effect shall be the clerks of the said courts, respectively, in the southern judicial district as hereby constituted until their successors respectively shall be appointed and qualified. The district judge of the said eastern judicial district as hereby constituted is hereby authorized and empowered to appoint a clerk of the district court in said district, and the judge of the circuit court is authorized and empowered to appoint a clerk of said circuit court in said district in the manner provided by law and said clerks respectively shall possess the powers and perform the duties within said judicial district conferred by law on the clerks of circuit and district courts.

The clerk of the circuit court and the clerk of the district court of the western judicial district as heretofore constituted shall continue to be the clerks of the circuit and district courts, respectively, of the western judicial district as hereby constituted until their successors respectively shall be appointed and qualified.

Act March 11, 1902, c. 183, § 3, 32 Stat. 65.

This act is not to be construed to continue in office any officer for a term longer than that for which he was appointed or to limit or restrict the power of removal, by section 19 of the act, set forth below.

#### **Marshals.**

Sec. 4. That the marshals of the northern, eastern, and western judicial districts as heretofore constituted and in office when this Act takes effect shall continue to be the marshals of said northern, eastern, and western judicial districts as hereby constituted, respectively, and until their successors, respectively, shall be appointed and qualified.

The President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal for the southern judicial district of Texas as hereby constituted, who shall within his jurisdiction possess and exercise all the powers conferred by existing law upon the marshals of the United States.

Act March 11, 1902, c. 183, § 4, 32 Stat. 66.

See note under the preceding section of this act.

#### **District attorneys.**

Sec. 5. That the district attorneys for the northern and western

judicial districts as heretofore constituted shall continue to be the district attorneys of the northern and western judicial districts as hereby constituted, respectively, and until their successors, respectively, are appointed and qualified.

The district attorney for the eastern judicial district as heretofore constituted shall continue to be the district attorney for the southern judicial district as hereby constituted and until his successor is appointed and qualified, with the same salary he is now receiving.

The President of the United States, by and with the advice and consent of the Senate, shall appoint a district attorney for said eastern judicial district of Texas as hereby constituted, who within his jurisdiction shall possess and exercise all the power conferred by existing law upon the district attorneys of the United States.

Act March 11, 1902, c. 183, § 5, 32 Stat. 66.

See note under section 3 of this act.

#### **Appointments and compensation of officers.**

Sec. 6. That the office of judge, marshal, and district attorney in each of said judicial districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the division of the State of Texas into four judicial districts and by the provisions of this Act, and all vacancies created by said division, in either of said districts, as constituted by this Act or hereafter occurring, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the said judicial districts of Texas as heretofore constituted, except as herein provided.

Act March 11, 1902, c. 183, § 6, 32 Stat. 66.

See note under section 3 of this act.

The salaries of the marshal and district attorney appointed under this act for the southern district are prescribed by section 15 of this act, set forth below.

#### **Pending causes.**

Sec. 7. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial districts of the State of Texas as heretofore constituted, whereof the courts of the southern judicial district of the State of Texas as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and the same are hereby, transferred to and the same shall be proceeded with in the southern judicial district of the State of Texas as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said southern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the several judicial districts of Texas as heretofore constituted, whereof the courts of the several judicial districts of the State of Texas as hereby constituted would

have had jurisdiction if said districts and the courts thereof had been constituted as under the provisions of this Act when said causes or proceedings were instituted, shall be, and the same are hereby, transferred to, and the same shall be proceeded with in the said several judicial districts of the State of Texas as hereby constituted the same as if said judicial districts had been constituted and created as by the provisions of this Act, when such causes or proceedings were instituted and jurisdiction thereof is hereby transferred to and vested in the courts of said judicial districts, respectively, as hereby constituted, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: Provided, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in the judicial districts of Texas as heretofore constituted in which the evidence has been taken in whole or in part before the present district judges of the judicial districts of Texas as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judges, respectively, shall be proceeded with and disposed of in the said judicial districts, respectively, as heretofore constituted, where said motions and causes were submitted or where such evidence was taken in whole or in part or taken in whole or in part and submitted and passed upon as hereinbefore mentioned.

Act March 11, 1902, c. 183, § 7, 32 Stat. 66.

Provisions relating to pending proceedings in bankruptcy are contained in section 17 of this act, set forth below.

**Place of prosecution of offenses.**

Sec. 8. That all prosecutions for crimes or offenses hereafter committed in either of said judicial districts as hereby constituted shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not yet been found or proceedings instituted shall be cognizable within the judicial district as hereby constituted in which such crimes or offenses were committed.

Act March 11, 1902, c. 183, § 8, 32 Stat. 67.

**Divisions in districts; return of process.**

Sec. 9. That all process issued against defendants residing in the counties of Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, and Hunt shall be returned to Dallas.

That all process issued against defendants residing in the counties of Comanche, Hood, Erath, Tarrant, Parker, Palo Pinto, Wise, Clay, Jack, Young, Archer, Wichita, Wilbarger, Baylor, Bailey, Hardeman, Cottle, Motley, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutchinson, Hansford, Sherman, Moore, Hartley, Dallam, Foard, Parmer, Swisher, Castro, Lamb, Hale, Floyd, Cochran, Dawson, and Hockley shall be returned to Fort Worth.

That all process issued against defendants residing in the counties

of Eastland, Stephens, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Nolan, Fisher, Stonewall, Kent, Dickens, King, Crosby, Garza, Lubbock, Gaines, Andrews, Mitchell, Scurry, Borden, Howard, Martin, Midland, Yoakum, Terry, and Lynn shall be returned to Abilene.

That all process issued against defendants residing in the counties of Glasscock, Sterling, Coke, Tom Green, Crockett, Schleicher, Sutton, Irion, Mills, Runnels, Coleman, Concho, Menard, Brown, and Upton shall be returned to San Angelo.

That all process issued against defendants residing in the counties of Fayette, Washington, Burleson, Williamson, Lee, Bastrop, Caldwell, Hays, Travis, Blanco, Gillespie, Burnet, Llano, Mason, Kimble, McCulloch, San Saba, and Lampasas shall be returned to Austin.

That all process issued against defendants residing in the counties of Bee, Live Oak, Karnes, Dewitt, Gonzales, Guadalupe, Wilson, Atascosa, Bexar, Comal, Kendall, Kerr, Edwards, Bandera, Medina, Frio, Uvalde, Zavalla, Kinney, Maverick, and Valverde shall be returned to San Antonio.

That all process issued against defendants residing in the counties of El Paso, Pecos, Presidio, Reeves, Loving, Winkler, Ward, Ector, Crane, Jeff Davis, and Brewster shall be returned to El Paso.

That all process issued against defendants residing in the counties of Zapata, Webb, Duval, Dimmit, Lasalle, McMullen, Nueces, San Patricio, Aransas, and Refugio shall be returned to Laredo.

That all process issued against defendants residing in the counties of Shelby, Nacogdoches, Angelina, Houston, Anderson, Cherokee, Panola, Rusk, Smith, Henderson, Van Zandt, Rains, Gregg, and Wood shall be returned to Tyler.

That all process issued against defendants residing in the counties of Jefferson, Liberty, Orange, Newton, Jasper, Hardin, Tyler, San Augustine, and Sabine shall be returned to Beaumont.

That all process issued against defendants residing in the counties of Grayson, Cooke, Montague, Denton, and Collin shall be returned to Sherman.

That all process issued against defendants residing in the counties of Upshur, Harrison, Marion, Cass, Bowie, Titus, Camp, Hopkins, Morris, and Franklin shall be returned to Jefferson.

That all process issued against defendants residing in the counties of Lamar, Fannin, Red River, and Delta shall be returned to Paris.

That all process issued against defendants residing in the counties of Milam, Robertson, Leon, Limestone, Freestone, McLennan, Falls, Bell, Coryell, Hamilton, Bosque, Somervell, and Hill shall be returned to Waco.

That all process issued against defendants residing in the counties of Cameron, Hidalgo, and Starr shall be returned to Brownsville.

That all process issued against defendants residing in the counties of Austin, Fort Bend, Matagorda, Wharton, Brazoria, Galveston, and Chambers shall be returned to Galveston.

That all process issued against defendants residing in the counties of Goliad, Victoria, Calhoun, Jackson, Lavaca, Colorado, Waller,



Grimes, Brazos, Madison, Trinity, Walker, Montgomery, San Jacinto, Polk, and Harris shall be returned to Houston.

Act March 11, 1902, c. 183, § 9, 32 Stat. 67.

On the transfer of the county of Dimmitt from the southern district to the western district by Act Feb. 9, 1903, c. 532, set forth below, process thereafter issued against defendants residing in that county was directed to be returned to San Antonio, by section 3 of that act, set forth below.

A new division in the eastern district is established, and terms of the courts and return of process and clerks' offices therein are provided for, by Act March 2, 1903, c. 974, set forth below.

On the transfer of Fayette county from the western district to the southern district by Act Jan. 21, 1905, c. 52, set forth below, process in causes arising in that county was thereafter to be returnable to Houston, by section 1 of that act, set forth below.

**Process; place of bringing suit.**

Sec. 10. That all process issued against defendants residing in any county which may hereafter be created by law shall be returned to the nearest place for holding court in the judicial district within which said county is formed. That if there be more than one defendant, and they reside in different divisions of the district or in different districts, the plaintiff may sue in either division, or in either district in which one or more defendants may reside, and send duplicate writ or writs to the other defendant or defendants, on which the clerk issuing the writ shall indorse that the writ thus sent is a copy of a writ sued out of the court of the proper division of said district, and said writs, when executed and returned into the office from which they were issued, shall constitute one suit, and be proceeded in accordingly: Provided, That suits and actions affecting the title to or to foreclose liens on real estate shall be brought in the district and in the division thereof in which said real estate is, in whole or in part, situate.

Act March 11, 1902, c. 183, § 10, 32 Stat. 68.

**Terms of courts for southern district.**

Sec. 11. That the United States circuit and district courts for the southern district of Texas shall be held in each year at the times and places as follows:

At Galveston, in the county of Galveston, on the second Monday of January and the first Monday of June.

At Houston, in the county of Harris, on the fourth Monday of February and the fourth Monday of September.

At Laredo, in the county of Webb, on the third Monday of April and the second Monday of November.

At Brownsville, in the county of Cameron, on the second Monday of May and the first Monday of December.

Act March 11, 1902, c. 183, § 11, 32 Stat. 68.

**Terms of courts for northern district.**

Sec. 12. That the United States circuit and district courts for the northern district of Texas shall be held in each year at the times and places as follows:

At Dallas, in the county of Dallas, on the second Monday of January and the first Monday of May.

At Fort Worth, in the county of Tarrant, on the first Monday of November and the second Monday of March.

At Abilene, in the county of Taylor, on the first Monday of October and the second Monday of April.

At San Angelo, in the county of Tom Green, on the third Monday of October and the fourth Monday of April.

Act March 11, 1902, c. 183, § 12, 32 Stat. 69.

**Terms of courts for eastern district.**

Sec. 13. That the United States circuit and district courts for the eastern district of Texas shall be held in each year at the times and places as follows:

At Tyler, in the county of Smith, on the fourth Monday of January and the fourth Monday of April.

At Jefferson, in the county of Marion, on the first Monday of October and the third Monday of February.

At Beaumont, in the county of Jefferson, on the third Monday of November and the first Monday of April.

At Sherman, in the county of Grayson, on the first Monday of January and the third Monday of May.

At Paris, in the county of Lamar, on the fourth Monday of October and the second Monday of March.

Act March 11, 1902, c. 183, § 13, 32 Stat. 69.

Additional terms of the courts for the eastern district at Texarkana are provided for, on the establishment of a new division in the district, by Act March 2, 1903, c. 974, § 2, set forth below.

**Terms of courts for western districts.**

Sec. 14. That the United States circuit and districts courts for the western district of Texas shall be held in each year at the times and places as follows:

At Austin, in the county of Travis, on the fourth Monday of January and the second Monday of June.

At Waco, in the county of McLennan, on the second Monday of November and the fourth Monday of February.

At San Antonio, in the county of Bexar, on the third Monday of December and the first Monday of May.

At El Paso, in the county of El Paso, on the first Monday of October and the first Monday of April.

Act March 11, 1902, c. 183, § 14, 32 Stat. 69. Act Jan. 30, 1903, c. 337, 32 Stat. 785.

The times for the terms of the courts for the western district, fixed by Act March 11, 1902, c. 183, § 14, cited above, are changed, by amendment of the section, to read as set forth here, by Act Jan. 30, 1903, c. 337, also cited above. The amendment took effect March 31, 1903.

**Compensation of marshal and district attorney for southern district; bonds of marshal and deputy marshals.**

Sec. 15. That the marshal and district attorney for the southern judicial district of the State of Texas created and appointed under the provisions of this Act shall each receive a compensation or salary of three thousand five hundred dollars per annum, payable as the marshals and district attorneys in the other districts are paid under the

provisions of existing law, and the marshals and their deputies shall give the bond required of marshals and deputy marshals under the provisions of existing law.

Act March 11, 1902, c. 183, § 15, 32 Stat. 69.

**Residence of clerk for southern district; deputy clerks.**

Sec. 16. That the clerk of the district court appointed in the southern judicial district as created by this Act shall reside at one of the places designated therein for holding courts, and such clerk shall appoint at least three deputies, one of whom shall reside at each of the other places in said district designated for holding courts therein.

Act March 11, 1902, c. 183, § 16, 32 Stat. 69.

**Referees in bankruptcy; pending proceedings.**

Sec. 17. That each of the referees in bankruptcy residing in the several judicial districts of the State of Texas as constituted by this Act shall continue to act as such within their respective districts, and all proceedings commenced and pending before them respectively at the time this Act goes into effect shall be continued and disposed of in the court and district to which jurisdiction thereof is given by the provisions of this Act.

Act March 11, 1902, c. 183, § 17, 32 Stat. 69.

**Repeal.**

Sec. 18. That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed.

Act March 11, 1902, c. 183, § 18, 32 Stat. 69.

**Tenure of office of officers of courts or districts not affected.**

Sec. 19. No provision in this Act contained shall be construed to continue in office any officer of said courts or judicial districts for a term longer than that for which he was appointed or to limit or restrict the power of removal in accordance with the provisions of existing law.

Act March 11, 1902, c. 183, § 19, 32 Stat. 69.

**Time of taking effect of Act.**

Sec. 20. That this Act shall take effect on the first day of July, nineteen hundred and two.

Act March 11, 1902, c. 183, § 20, 32 Stat. 70.

**ACT FEB. 9, 1903, c. 532.**

An Act to Detach the County of Dimmit from the Southern Judicial District of Texas and to Attach it to the Western Judicial District of Texas. (32 Stat. 820.)

**County transferred to western district.**

Be it enacted, &c., That the county of Dimmit, in the State of Texas, is hereby detached from the southern and is hereby attached to the western judicial district of Texas.

Act Feb. 9, 1903, c. 532, § 1, 32 Stat. 820.

The county of Dimmit was included in the southern district by the

act establishing that district, Act March 11, 1902, c. 183, § 1, set forth above.

**Pending causes.**

Sec. 2. That all offenses heretofore committed in said county of Dimmit of which the district court of said southern judicial district has jurisdiction and upon which proceedings have been taken shall be tried and prosecuted in said southern judicial district, and civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this Act.

Act Feb. 9, 1903, c. 532, § 2, 32 Stat. 820.

**Return of process; place of prosecution of offenses.**

Sec. 3. That hereafter all processes issued against defendants residing in said county of Dimmit shall be returned to San Antonio, Texas. All offenses committed in said county of Dimmit in which proceedings have not been begun shall be prosecuted in said western district.

Act Feb. 9, 1903, c. 532, § 3, 32 Stat. 820.

Before this act, process issued against defendants residing in the county of Dimmit was required to be returned to Laredo, by Act March 11, 1902, c. 183, § 9, set forth above.

**Repeal.**

Sec. 4. That all laws and parts of laws, so far as in conflict herewith, are hereby repealed.

Act Feb. 9, 1903, c. 532, § 4, 32 Stat. 820.

**ACT MARCH 2, 1903, c. 974.**

An Act to Create a New Division of the Eastern Judicial District of Texas, and to Provide for Terms of Court at Texarkana, Texas, and for a Clerk for said Court, and for Other Purposes. (32 Stat. 926.)

**Additional division in eastern district.**

Be it enacted, &c., That the counties of Bowie, Franklin, and Titus shall constitute a division of the eastern judicial district of Texas.

Act March 2, 1903, c. 974, § 1, 32 Stat. 926.

Before this act, the counties named in this section were included with those, process issued to which was required to be returned to Jefferson, by Act March 11, 1902, c. 183, § 9, set forth above.

**Additional terms of courts for eastern district.**

Sec. 2. That terms of the circuit and district courts of the United States for the said eastern district of Texas shall be held twice in each year at the city of Texarkana, and that until otherwise provided by law the judges of said courts shall fix the times at which said courts shall be held at Texarkana, of which they shall make publication and give due notice.

Act March 2, 1903, c. 974, § 2, 32 Stat. 927.

Other terms of the courts for the eastern district are appointed by Act March 11, 1902, c. 183, § 13, set forth above.

**Return of process; place of prosecution of offenses; pending causes.**

Sec. 3. That all civil process issued against persons resident in the said counties of Bowie, Franklin, and Titus, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Texarkana, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Texarkana: Provided, That no process issued or prosecution commenced or suit instituted before the passage of this bill shall be in any way affected by the provisions hereof.

Act March 2, 1903, c. 974, § 3, 32 Stat. 927.

**Clerks for eastern district.**

Sec. 4. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or a deputy, at the said city of Texarkana, which shall be kept open at all times for the transaction of the business of said division.

Act March 2, 1903, c. 974, § 4, 32 Stat. 927.

The appointment of clerks of the courts for the eastern district is provided for by Act March 11, 1902, c. 183, § 3, set forth above.

**ACT JAN. 21, 1905, c. 52. [H. R. 16284.]**

An Act to Transfer Fayette County from Western to Southern Judicial District of Texas. (33 Stat. 612.)

**County transferred to southern district.**

Be it enacted, &c., That Fayette County shall be taken out of the western judicial district of Texas and placed in the southern judicial district of said State, and all process in causes arising in said county shall hereafter be returnable to Houston.

Act Jan. 21, 1905, c. 52, § 1, 33 Stat. 612.

Fayette county was included in the western district by the act establishing that district, Act March 11, 1902, c. 183, § 1, set forth above.

**Jurisdiction of courts for southern district.**

Sec. 2. That all causes of action, civil and criminal, that have accrued or may hereafter accrue in said county of which the courts of said southern judicial district of Texas have jurisdiction shall be cognizable in said courts at Houston in said district.

Act Jan. 21, 1905, c. 52, § 2, 33 Stat. 612.

**Pending causes.**

Sec. 3. That the provisions of this Act shall not affect any civil or criminal cause pending in said western judicial district out of said Fayette County at the time this Act becomes a law, but such case or cases shall proceed as if under existing law.

Act Jan. 21, 1905, c. 52, 33 Stat. 612.

**Repeal.**

Sec. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

Act Jan. 21, 1905, c. 52, § 4, 33 Stat. 612.

## [UTAH.]

**ACT MARCH 2, 1897, c. 366, § 5.****Terms of district court.**

The times for terms of the district court fixed by this section are changed, and additional terms are authorized, by Act Feb. 19, 1903, c. 706, set forth below.

**ACT FEB. 19, 1903, c. 706.**

An Act to Provide for Holding Terms of Court in the District of Utah. (32 Stat. 841.)

**Utah; one district; terms of district court.**

Be it enacted, &c., That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in April and November and at Ogden City on the second Monday in March and September of each year: Provided, That other terms of said court may be held at said Salt Lake City and Ogden City and at other places in said district when deemed necessary by the judge.

Act Feb. 19, 1903, c. 706, 32 Stat. 841.

Before this act, terms of the district court were appointed by Act March 2, 1897, c. 366, § 5, set forth in Comp. St. 1901, p. 436. The circuit court for the district is to be held at the time and place provided for holding the district court, by section 1 of that act, set forth in Comp. St. 1901, p. 435.

## [VERMONT.]

**ACT JUNE 5, 1874, c. 214.****Vermont; times for terms of courts.**

Besides the regular terms of the district court and circuit court appointed at Burlington, Windsor, and Rutland by Rev. St. §§ 572, 658, and Act June 5, 1874, c. 214, set forth in Comp. St. 1901, pp. 436, 474, 539, and the adjourned terms at Montpelier, authorized by Act July 3, 1894, c. 123, set forth in Comp. St. 1901, p. 436, an adjournment of one of the terms of each court to Newport is authorized by Act April 22, 1904, c. 1419, set forth below.

**ACT APRIL 22, 1904, c. 1419. [S. 4165.]**

An Act to Provide that a Term of the Circuit and District Court of the United States for the District of Vermont may be Held at Newport. (33 Stat. 249.)

**Adjourned terms of courts.**

Be it enacted, &c., That hereafter in each year one of the stated terms of the circuit and district court of the United States for the district of Vermont may, when adjourned, be adjourned to meet at Newport.

Act April 22, 1904, c. 1419, § 1, 33 Stat. 249.

**Repeal.**

Sec. 2. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Act April 22, 1904, c. 1914, § 2, 33 Stat. 249.

[VIRGINIA.]

**Sec. 549.**

**Virginia.**

Additional terms of the district court for the western district at Roanoke City and at Charlottesville are appointed by Act June 30, 1902, c. 1339, § 1, and Act Feb. 3, 1903, c. 398, § 1, and at the city of Bigstone Gap by Act April 22, 1904, c. 1421, § 1, set forth below.

**ACT SEPT. 25, 1890, c. 922, § 1.**

**Terms of courts for western district.**

In addition to the terms appointed by this section and by Act April 18, 1900, c. 245, set forth in Comp. St. 1901, pp. 437, 438, other terms at Charlottesville and at Roanoke City are appointed by Act June 30, 1902, c. 1339, and Act Feb. 3, 1903, c. 398, and at the city of Bigstone Gap by Act April 22, 1904, c. 1421, § 1, set forth below.

**ACT JUNE 30, 1902, c. 1339.**

An Act to Establish a Regular Term of United States District Court in Roanoke City, Virginia, and for Other Purposes. (32 Stat. 551.)

**Terms of courts for western district.**

Be it enacted, &c., That hereafter the circuit and district courts of the United States for the western district of Virginia shall be held each year at Danville on the Tuesday after the second Monday in April and November; at Lynchburg on the Tuesday after the second Monday in March and September; at Abingdon on the Tuesday after the first Monday in May and October; at Harrisonburg on the Tuesday after the first Monday in June and December; at Charlottesville on the second Monday in January, and at Roanoke City on the second Monday in February.

Act June 30, 1902, c. 1339, § 1, 32 Stat. 551.

Before this act, terms of the courts for the western district were appointed, at the same places and times fixed by this act, except the term at Roanoke City, by Act Sept. 25, 1890, c. 922, § 1, and Act April 18, 1900, c. 245, set forth in Comp. St. 1901, pp. 437, 438. Additional terms at Charlottesville and at Roanoke City are appointed by Act Feb. 3, 1903, c. 398, and at the city of Bigstone Gap by Act April 22, 1904, c. 1421, § 1, set forth below.

**Deputy clerks for western district.**

Sec. 2. That in the western district of Virginia the clerk of the circuit and district courts at Lynchburg shall appoint two deputy clerks, each of whom shall be deputy clerk both of the circuit and district courts, and one of whom shall reside and keep his office in the city of Charlottesville, and the other in the city of Roanoke, for the purpose, in said respective cities, of taking charge and custody of the court

records and papers, attending the sessions of the said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts.

Act June 30, 1902, c. 1339, § 2, 32 Stat. 552.

The appointment of clerks of the circuit and district courts for the western district is provided for by Rev. St. § 622, Comp. St. 1901, p. 497.

An additional deputy clerk of both the circuit and district courts for the western district at Bigstone Gap is authorized by Act April 22, 1904, c. 1421, § 2, set forth below.

**Duties of marshal for western district.**

Sec. 3. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Charlottesville and Roanoke.

Act June 30, 1902, c. 1339, § 3, 32 Stat. 552.

This section is re-enacted in Act Feb. 3, 1903, c. 398, § 2, set forth below.

The marshal for the western district is required also to discharge the duties of marshal in connection with the business of the courts at Bigstone Gap by Act April 22, 1904, c. 1421, § 3, set forth below.

**Time of taking effect of act.**

Sec. 4. That this Act shall be in force from and after its passage.

Act June 30, 1902, c. 1339, § 4, 32 Stat. 552.

**ACT FEB. 3, 1903, c. 398.**

An Act Fixing the Times and Places for Holding Regular Terms of the United States Circuit and District Courts in the Western District of Virginia, and for Other Purposes. (32 Stat. 794.)

**Terms of courts for western district.**

Be it enacted, &c., That hereafter the circuit and district courts of the United States for the western district of Virginia shall be held each year at Danville on the Tuesday after the second Monday in April and November; at Lynchburg on the Tuesday after the Second Monday in March and September; at Abingdon on the Tuesday after the first Monday in May and October; at Harrisonburg on the Tuesday after the first Monday in June and December; at Charlottesville on the second Monday in January and the first Monday in July, and at Roanoke on the second Monday in February and the third Monday in June.

Act Feb. 3, 1903, c. 398, § 1, 32 Stat. 794.

This section re-enacts the appointments of terms of the courts for the western district made by previous acts, the last preceding provision being Act June 30, 1902, c. 1339, § 1, set forth above, and appoints additional terms at Charlottesville and Roanoke City, thus superseding all previous provisions relating to terms of the courts in the western district. An additional term of both courts each year at the city of Bigstone Gap is appointed by Act April 22, 1904, c. 1421, § 1, set forth below.

**Duties of marshal for western district.**

Sec. 2. That the marshal for the western district of Virginia shall



discharge all the duties of marshal in connection with the business of said courts at Charlottesville and Roanoke.

Act Feb. 3, 1903, c. 398, § 2, 32 Stat. 794.

The marshal for the western district is required also to discharge the duties of marshal in connection with the business of the courts at Bigstone Gap, by Act April 22, 1904, c. 1421, § 3, set forth below.

**Repeal.**

Sec. 3. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Act Feb. 3, 1903, c. 398, § 3, 32 Stat. 794.

**Time of taking effect of act.**

Sec. 4. That this Act shall be in force from and after its passage.

Act Feb. 3, 1903, c. 398, § 4, 32 Stat. 794.

**ACT APRIL 22, 1904, c. 1421. [H. R. 11518.]**

An Act to Authorize the Holding of a Regular Term of the District and Circuit Courts of the United States for the Western District of Virginia in the City of Bigstone Gap, Virginia. (33 Stat. 249.)

**Additional term of courts for western district.**

Be it enacted, &c., That a regular term of the district and circuit courts of the United States for the western district of Virginia shall be held in each year in the city of Bigstone Gap, Virginia, on the second Monday in August.

Act April 22, 1904, c. 1421, § 1, 33 Stat. 249.

Before this act, terms of the courts for the western district were appointed by Act Feb. 3, 1903, c. 398, § 1, set forth above.

**Deputy clerk for western district.**

Sec. 2. That in the western district of Virginia the clerk of the circuit and district courts at Lynchburg, Virginia, shall appoint a deputy clerk who shall be deputy clerk of both the circuit and district courts and who shall reside and keep his office at Bigstone Gap, Virginia, for the purpose of taking charge and custody of the court records and papers, attending the sessions of said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts at Bigstone Gap, Virginia.

Act April 22, 1904, c. 1421, § 2, 33 Stat. 249.

Similar provisions for deputy clerks at Charlottesville and Roanoke City are contained in Act June 30, 1902, c. 1339, § 2, set forth above.

**Duties of marshal for western district.**

Sec. 3. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Bigstone Gap.

Act April 22, 1904, c. 1421, § 3, 33 Stat. 250.

Similar provisions as to the duties of the marshal for the western district in connection with the business of the courts at Charlottesville and Roanoke are contained in Act June 30, 1902, c. 1339, § 3, and Act Feb. 3, 1903, c. 398, set forth above.

## [WASHINGTON.]

**ACT APRIL 5, 1890, c. 65.****Washington; districts.**

The provisions of this act, set forth in Comp. St. 1901, pp. 438-440, that the State of Washington shall constitute one judicial district, and making divisions therein and appointing terms of the courts therefor, are superseded by Act March 2, 1905, c. 1305, set forth below, which divides the state into two districts, the eastern and the western districts, and provides for a district judge and for other officers and for terms of the court for each of such districts.

**ACT MARCH 2, 1905, c. 1305. [H. R. 2531.]**

An Act to Divide Washington into Two Judicial Districts. (33 Stat. 824.)

**Washington; districts.**

Be it enacted, &c., That all that portion of the State of Washington which includes the counties of Stevens, Ferry, Okanogan, Chelan, Spokane, Lincoln, Douglas, Adams, Franklin, Wallawalla, Garfield, Columbia, Asotin, Whitman, Yakima, Klickitat, Kittitas, and any and all Indian reservations in one or more of said counties, and such other counties as may be created in that portion of the State of Washington lying east of the Cascade Mountains, with the waters thereof, is hereby detached from the judicial district of Washington and made a separate judicial district, and shall be called "the eastern district of Washington," and the residue of said State of Washington, with the waters thereof, shall hereafter be the western district of Washington.

Act March 2, 1905, c. 1305, § 1, 33 Stat. 824.

This act supersedes the provisions of Act April 5, 1890, c. 65, set forth or referred to in Comp. St. 1901, pp. 438-440, and of previous statutes, which constituted the state one judicial district, and made divisions therein and appointed terms of the courts therefor.

The State continues to constitute one judicial district, and the courts for the district are continued in existence, for the purpose of holding and taking cognizance of criminal causes pending or commenced and prosecuted for criminal offenses committed before the taking effect of this act, by section 10 of this act, set forth below.

**District judge and other officers for western district.**

Sec. 2. That the district judge of the judicial district of Washington as heretofore constituted, and in office at the time this Act takes effect, shall be the district judge for the western judicial district of Washington as constituted by this Act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Washington as heretofore constituted, and in office at the time this Act takes effect, shall be the clerks of the circuit and district courts of the western judicial district of Washington, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified. The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy resident in said western judicial district of Washington as constituted by this Act shall

continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

Act March 2, 1905, c. 1305, § 2, 33 Stat. 824.

The appointment of a district judge and other officers for the district of Washington as constituted before this act was authorized by the act admitting the state, with other states, to the Union, Act Feb. 22, 1889, c. 180, § 21, 25 Stat. 682.

**District judge for eastern district.**

Sec. 3. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Washington, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said eastern judicial district as are now possessed by and performed by the district judge for the district of Washington.

Act March 2, 1905, c. 1305, § 3, 33 Stat. 824.

**Marshal and district attorney for eastern district.**

Sec. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the said eastern judicial district of Washington as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

Act March 2, 1905, c. 1305, § 4, 33 Stat. 824.

**Other officers for eastern district.**

Sec. 5. That all other officers residing within the eastern judicial district of the State of Washington as hereby constituted shall cease to be such officers when their successors are appointed and qualified.

Act March 2, 1905, c. 1305, § 5, 33 Stat. 824.

**Appointments and compensation of officers.**

Sec. 6. That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other offices authorized by law and made necessary by the creation of said two districts and the provisions of this Act, and all vacancies created thereby in either of said districts as constituted by this Act, shall be filled in the manner provided by law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, and other officers in said districts, except clerks, until changed by law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Washington as heretofore constituted, and the clerks for said districts shall receive the same fees and emoluments as are now prescribed by law for the clerks of the circuit and district courts of the northern district of California.

Act March 2, 1905, c. 1305, § 6, 33 Stat. 824.

**Transfer of pending causes.**

Sec. 7. That all causes and proceedings of every name and nature, except criminal, now pending in the courts of the judicial district of Washington as heretofore constituted, whereof the courts of the eastern judicial district of Washington as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the eastern judicial district of Washington as hereby constituted, and to that end jurisdiction over the same is hereby vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, except criminal, now pending in the courts of the judicial district of Washington as heretofore constituted, whereof the courts of the western judicial district of Washington as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the western judicial district of Washington as hereby constituted, and jurisdiction over the same is hereby vested in the courts of said western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: Provided, That all motions and causes submitted, and all causes and proceedings, except criminal, including proceedings in bankruptcy, now pending in said judicial district of Washington as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of the judicial district of Washington as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said western judicial district of Washington as constituted by this Act.

Act March 2, 1906, c. 1306, § 7, 33 Stat. 825.

The prosecution and trial of criminal causes pending, excepted from the provisions of this section, and of offenses committed before the taking effect of this act, are provided for by section 10 of this act, set forth below.

**Terms of courts for western and eastern districts.**

Sec. 8. That the regular terms of the circuit and district courts of the United States for the western district of Washington shall be held at the following times and places, namely: At Seattle, beginning on the first Tuesday in November and May of each year, and at the city of Tacoma, beginning on the first Tuesday in February and July of each year.

That the regular terms of the circuit and district courts of the United States for the eastern district of Washington shall be held at the following times and places, namely: At the city of Spokane, beginning on the first Tuesday in September and April of each year; at the city of Walla Walla, beginning on the first Tuesday of December and June of each year; and at the city of North Yakima, beginning on the

first Tuesday in May and October of each year; and at such other times and places as may hereafter be provided by law.

Act March 2, 1905, c. 1305, § 8, 33 Stat. 825.

The terms of the courts for the district of Washington, as constituted before this act, were appointed by Act April 5, 1890, c. 65, §§ 2, 6, set forth in Comp. St. 1901, pp. 438, 439.

Provisions as to the time during which the terms of the courts may continue, and as to adjournments thereof, are contained in the next following section of this act.

**Time of continuance of terms; adjournments.**

Sec. 9. That the terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

Act March 2, 1905, c. 1305, § 9, 33 Stat. 825.

**Pending criminal causes; past offenses.**

Sec. 10. That the State of Washington shall continue as heretofore to constitute one judicial district, and the United States circuit court and the United States district court for said district are continued in existence with all the jurisdiction and powers of each, respectively, for the purpose of holding and taking cognizance of criminal causes pending, or which may be hereafter commenced and prosecuted for criminal offenses against the laws of the United States, committed in any part of said State previous to the time when this Act takes effect, and when necessary to obtain indictments, or for the trial of any such case or cases, jurors, grand and petit, shall be selected, drawn, and summoned from the entire State, and such causes shall be commenced and prosecuted in the same manner as if this Act had never been passed.

Act March 2, 1905, c. 1305, § 10, 33 Stat. 825.

**Repeal.**

Sec. 11. That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed.

Act March 2, 1905, c. 1305, § 11, 33 Stat. 826.

**Time of taking effect of act.**

Sec. 12. That this Act shall take effect from and after its approval by the President.

Act March 2, 1905, c. 1305, § 12, 33 Stat. 826.

[WEST VIRGINIA.]

**ACT JAN. 22, 1901, c. 105, § 9.**

**Terms of courts.**

So much of this section as relates to the time of holding the regular terms of the circuit and district courts for the southern district of West Virginia is amended by changing such times, by Act June 4, 1902, c. 989, and additional terms are appointed by Act Jan. 31, 1903, c. 346, and Act April 28, 1904, set forth below. And an additional term in the northern district is appointed by Act Feb. 24, 1904, c. 163, also set forth below.

records and papers, attending the sessions of the said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts.

Act June 30, 1902, c. 1339, § 2, 32 Stat. 552.

The appointment of clerks of the circuit and district courts for the western district is provided for by Rev. St. § 622, Comp. St. 1901, p. 497.

An additional deputy clerk of both the circuit and district courts for the western district at Bigstone Gap is authorized by Act April 22, 1904, c. 1421, § 2, set forth below.

**Duties of marshal for western district.**

Sec. 3. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Charlottesville and Roanoke.

Act June 30, 1902, c. 1339, § 3, 32 Stat. 552.

This section is re-enacted in Act Feb. 3, 1903, c. 398, § 2, set forth below.

The marshal for the western district is required also to discharge the duties of marshal in connection with the business of the courts at Bigstone Gap by Act April 22, 1904, c. 1421, § 3, set forth below.

**Time of taking effect of act.**

Sec. 4. That this Act shall be in force from and after its passage.

Act June 30, 1902, c. 1339, § 4, 32 Stat. 552.

**ACT FEB. 3, 1903, c. 398.**

An Act Fixing the Times and Places for Holding Regular Terms of the United States Circuit and District Courts in the Western District of Virginia, and for Other Purposes. (32 Stat. 794.)

**Terms of courts for western district.**

Be it enacted, &c., That hereafter the circuit and district courts of the United States for the western district of Virginia shall be held each year at Danville on the Tuesday after the second Monday in April and November; at Lynchburg on the Tuesday after the Second Monday in March and September; at Abingdon on the Tuesday after the first Monday in May and October; at Harrisonburg on the Tuesday after the first Monday in June and December; at Charlottesville on the second Monday in January and the first Monday in July, and at Roanoke on the second Monday in February and the third Monday in June.

Act Feb. 3, 1903, c. 398, § 1, 32 Stat. 794.

This section re-enacts the appointments of terms of the courts for the western district made by previous acts, the last preceding provision being Act June 30, 1902, c. 1339, § 1, set forth above, and appoints additional terms at Charlottesville and Roanoke City, thus superseding all previous provisions relating to terms of the courts in the western district. An additional term of both courts each year at the city of Bigstone Gap is appointed by Act April 22, 1904, c. 1421, § 1, set forth below.

**Duties of marshal for western district.**

Sec. 2. That the marshal for the western district of Virginia shall

discharge all the duties of marshal in connection with the business of said courts at Charlottesville and Roanoke.

Act Feb. 3, 1903, c. 398, § 2, 32 Stat. 794.

The marshal for the western district is required also to discharge the duties of marshal in connection with the business of the courts at Bigstone Gap, by Act April 22, 1904, c. 1421, § 3, set forth below.

**Repeal.**

Sec. 3. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Act Feb. 3, 1903, c. 398, § 3, 32 Stat. 794.

**Time of taking effect of act.**

Sec. 4. That this Act shall be in force from and after its passage.

Act Feb. 3, 1903, c. 398, § 4, 32 Stat. 794.

**ACT APRIL 22, 1904, c. 1421. [H. R. 11518.]**

An Act to Authorize the Holding of a Regular Term of the District and Circuit Courts of the United States for the Western District of Virginia in the City of Bigstone Gap, Virginia. (33 Stat. 249.)

**Additional term of courts for western district.**

Be it enacted, &c., That a regular term of the district and circuit courts of the United States for the western district of Virginia shall be held in each year in the city of Bigstone Gap, Virginia, on the second Monday in August.

Act April 22, 1904, c. 1421, § 1, 33 Stat. 249.

Before this act, terms of the courts for the western district were appointed by Act Feb. 3, 1903, c. 398, § 1, set forth above.

**Deputy clerk for western district.**

Sec. 2. That in the western district of Virginia the clerk of the circuit and district courts at Lynchburg, Virginia, shall appoint a deputy clerk who shall be deputy clerk of both the circuit and district courts and who shall reside and keep his office at Bigstone Gap, Virginia, for the purpose of taking charge and custody of the court records and papers, attending the sessions of said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts at Bigstone Gap, Virginia.

Act April 22, 1904, c. 1421, § 2, 33 Stat. 249.

Similar provisions for deputy clerks at Charlottesville and Roanoke City are contained in Act June 30, 1902, c. 1339, § 2, set forth above.

**Duties of marshal for western district.**

Sec. 3. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Bigstone Gap.

Act April 22, 1904, c. 1421, § 3, 33 Stat. 250.

Similar provisions as to the duties of the marshal for the western district in connection with the business of the courts at Charlottesville and Roanoke are contained in Act June 30, 1902, c. 1339, § 3, and Act Feb. 3, 1903, c. 398, set forth above.

## CHAPTER TWO.

### District Courts—Organization.

#### Sec. 551.

##### District judges, appointment and residence.

Statutes establishing new judicial districts, set forth in chapter 1 of this Title, contain provisions for the appointment of a district judge for each new district, inseparably connected with other provisions relating to the particular district, and are therefore set forth in full in chapter 1 of this Title, under the names of the states, in alphabetical order. The districts for which district judges are thus provided are as follows:

For the eastern district of Illinois, by Act March 3, 1905, c. 1427, §§ 13-15.

For the southern district of Texas, by Act March 11, 1902, c. 183, § 2.

For the eastern district of Washington, by Act March 2, 1905, c. 1305, § 3.

The appointment of an additional district judge in each of several districts is provided for by various acts, set forth below, as follows:

For the northern district of Illinois, by Act March 3, 1905, c. 1427, § 2.

For the district of Minnesota, by Act Feb. 4, 1903, c. 402.

For the district of New Jersey, by Act March 3, 1905, c. 1418.

For the southern district of New York, by Act Feb. 9, 1903, c. 527.

For the eastern district of Pennsylvania, by Act April 1, 1904, c. 857.

#### ACT FEB. 4, 1903, c. 402.

An Act Providing for an Additional District Judge in the District of Minnesota. (32 Stat. 795.)

##### Additional district judge for district of Minnesota.

Be it enacted, &c., That there shall be in the district of Minnesota an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

Act Feb. 4, 1903, c. 402, § 1, 32 Stat. 795.

##### Division of business and assignment of cases for trial in district of Minnesota.

Sec. 2. That the senior circuit judge of the eighth circuit, or the resident circuit judge within the district, shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

Act Feb. 4, 1903, c. 402, § 2, 32 Stat. 795.

##### Time of taking effect of act.

Sec. 3. That this act shall take effect and be in force from and after the first day of July, nineteen hundred and three.

Act Feb. 4, 1903, c. 402, § 3, 32 Stat. 795.



**ACT FEB. 9, 1903, c. 527.**

An Act to Provide for an Additional Judge of the District Court of the United States for the Southern District of New York. (32 Stat. 805.)

**Additional district judge for southern district of New York.**

Be it enacted, &c., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the southern district of New York, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

Act Feb. 9, 1903, c. 527, 32 Stat. 805.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect immediately.

Act Feb. 9, 1903, c. 527, 32 Stat. 805.

**ACT APRIL 1, 1904, c. 857. [S. 3015.]**

An Act to Provide for an Additional Judge of the District Court of the United States for the Eastern District of Pennsylvania. (33 Stat. 155.)

**Additional district judge for eastern district of Pennsylvania.**

Be it enacted, &c., That the President, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the eastern district of Pennsylvania, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

Act April 1, 1904, c. 857, 33 Stat. 155.

**ACT MARCH 3, 1905, c. 1418. [S. 5768.]**

An Act to Provide for an Additional Judge of the District Court of the United States for the District of New Jersey. (33 Stat. 987.)

**Additional district judge for district of New Jersey.**

Be it enacted, &c., That the President, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of New Jersey, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

Act March 3, 1905, c. 1418, 33 Stat. 987.

**ACT MARCH 3, 1905, c. 1427, § 2. [S. 7049.]****Additional district judge for northern district of Illinois.**

That there shall be in and for the northern district of Illinois an additional district judge, who shall be appointed by the President,

by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to other district judges.

Act March 3, 1905, c. 1427, § 2, 33 Stat. 993.

Other sections of this act, establishing an eastern judicial district of the State of Illinois, and providing for the appointment of a district judge for said eastern district, and of other officers therefor, and their powers, duties, compensation, etc., are set forth ante under chapter 1 of this Title, subchapter "Illinois."

## **Sec. 554.**

### **Salaries of district judges.**

The salaries of the district judges are \$6,000 a year, by a provision of Act Feb. 12, 1903, c. 547, set forth post, under chapter 12 of this Title.

The usual annual appropriation for expenses of district judges while holding court outside of their districts, mentioned in the note under this section, in Comp. St. 1901, p. 450, is repeated in the language of the provision there set forth, in the sundry civil appropriation acts for the fiscal years 1903, 1904, 1905; in the similar appropriation for the fiscal year ending June 30, 1906, after the words "reasonable expenses," the words "actually incurred" are inserted, making the provision read as follows: "reasonable expenses actually incurred for travel and attendance of district judges directed to hold court outside of their districts, not to exceed ten dollars per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States." Act March 3, 1905, c. 1483, § 1, 33 Stat. 1208.

## **Sec. 555.**

### **Clerks.**

The statutes establishing new judicial districts or divisions in districts often contain provisions for the appointment of clerks and deputy clerks for such districts and divisions, their powers, duties, compensation, etc., inseparably connected with the provisions relating to the districts or the divisions therein. Such statutes relating to particular districts, therefore, are set forth in full in chapter 1 of this Title, under the names of the states in alphabetical order.

## **Sec. 558.**

### **Deputy clerks.**

See note under Rev. St. § 555, above, as to special provisions for appointment of deputy clerks, contained in statutes establishing new districts or subdividing districts into divisions.

## **Sec. 562.**

### **Records, where kept.**

Special provisions relating to the keeping of records of district courts in particular districts or divisions therein, contained in statutes establishing new districts or divisions, are set forth as part of such statutes under chapter 1 of this Title.

## CHAPTER THREE.

## District Courts—Jurisdiction.

Sec. 563. [*As amended 1875.*]**Jurisdiction.**

Jurisdiction of all causes, civil and criminal, arising under any of the provisions of Act March 3, 1903, c. 1012, to regulate the immigration of aliens, is given to the circuit and district courts by section 29 of that act, post, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Jurisdiction of certain crimes committed within the limits of any Indian reservation in the State of South Dakota is conferred on the circuit and district courts for the district of South Dakota by Act Feb. 2, 1903, c. 351, set forth post, under Title LXX, "Crimes," c. 3.

## CHAPTER FOUR.

## District Courts—Sessions.

## Sec. 572.

**Terms of district courts.**

The statutes establishing new judicial districts or subdividing districts into divisions contain further provisions appointing terms of the courts, circuit courts as well as district courts, to be held in the particular districts or divisions. These provisions usually are connected inseparably with those establishing and dividing the various districts, and the terms of both district courts and circuit courts are appointed in nearly every instance to be held at the same times and places. They are set forth, therefore, with the other provisions of the same statutes, in chapter 1 of this Title, under the names of the states in alphabetical order. References to such provisions are inserted here under the names of such states respectively.

**Alabama.**

The times for the terms of the courts for the middle district and the northern division of the northern district of Alabama are changed by Act Feb. 9, 1903, c. 533, set forth ante, under chapter 1 of this Title. And on the division of the northern district into three divisions, by Act Feb. 16, 1903, c. 554, additional terms of the courts in the eastern division of that district at Anniston are appointed by section 1 of that act, also set forth ante, under chapter 1 of this Title, by amendment of Act May 2, 1884, c. 38, § 2; and on the establishment of a western division in said northern district by Act March 3, 1905, c. 1419, § 8, terms of the courts in that division at Tuscaloosa are appointed by that section, also set forth ante, under chapter 1 of this Title.

**Arkansas.**

On the establishment of the Harrison division in the western district of Arkansas, by Act March 18, 1902, c. 222, terms of the courts in that division at Harrison are appointed by section 4 of that act, set forth ante, under chapter 1 of this Title. And the times for the terms in the eastern division of the eastern district are changed by Act Feb. 3, 1903, c. 400, also set forth ante, under chapter 1 of this Title.

**[Colorado.]**

All previous provisions relating to terms of the courts for the district of Colorado are superseded by those of Act Feb. 16, 1903, c. 555, set forth ante, under chapter 1 of this Title.

**Florida.**

A regular term of the district court for the southern district of Florida is appointed each year at the city of Fernandina by Act Feb. 18, 1905, c. 584, § 2, set forth ante, under chapter 1 of this Title.

**Georgia.**

The time for terms of the courts in the eastern division of the northern district of Georgia at Athens is changed by Act April 7, 1904, c. 940, set forth ante, under chapter 1 of this Title. And on the establishment of a southwestern division in the southern district by Act June 30, 1902, c. 1338, terms of the courts in that division at Valdosta are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title; and by the subsequent Act June 30, 1902, c. 1338, also set forth under chapter 1 of this Title, which establishes a southwestern division, differently constituted, terms of the courts therein are appointed to be held at Albany.

**Illinois.**

Previous provisions relating to terms of the courts for the districts of Illinois are to a great extent superseded by those of Act March 3, 1905, c. 1427, which divides the state into three judicial districts, the northern, the southern, and the eastern districts, instead of the two districts previously existing, and appoints terms of the courts in each district, by sections 5, 10, 16, of the act, set forth ante, under chapter 1 of this Title.

**Iowa.**

On the establishment of the Davenport division of the southern district of Iowa by Act April 28, 1904, c. 1800, terms of the courts in that division at the city of Davenport are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**Kansas.**

Additional terms of the courts in the first division of the district of Kansas at Kansas City, Kan., are appointed by Act Feb. 19, 1903, c. 709, set forth ante, under chapter 1 of this Title.

**Kentucky.**

Additional terms of the courts for the eastern district of Kentucky at Catlettsburg are appointed by an amendment of Act Feb. 12, 1901, c. 355, § 9, Comp. St. 1901, p. 362, by Act March 10, 1902, c. 144, set forth ante, under chapter 1 of this Title.

**Louisiana.**

On the establishment of an additional division in the western district of Louisiana by Act March 2, 1905, c. 1308, terms of the courts in that division at the city of Lake Charles are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**Minnesota.**

The times fixed by Act April 26, 1890, c. 167, § 4, Comp. St. 1901, p. 376, for terms of the courts for the district of Minnesota, are changed by an amendment of that act by Act Feb. 9, 1904, c. 153, § 1, set forth ante, under chapter 1 of this Title.

**Missouri.**

On the establishment of the southeastern division in the eastern district of Missouri by Act Jan. 31, 1905, c. 287, terms of the courts in that division are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**[Montana.]**

Additional terms of the courts for the district of Montana at Great Falls are appointed by Act April 27, 1904, c. 1610, set forth ante, under chapter 1 of this Title.

**North Carolina.**

Additional terms of the courts for the eastern district of North Carolina at Washington are appointed by Act March 3, 1905, c. 1437, set forth ante, under chapter 1 of this Title. And additional terms of the courts for the western district at Wilkesboro are appointed by Act Feb. 23, 1903, c. 740, amended by Act April 22, 1904, c. 1422, also set forth ante, under chapter 1 of this Title.

**Pennsylvania.**

The times for the terms of the district court for the eastern district of Pennsylvania, appointed by Rev. St. § 572, are changed by Act June 30, 1902, c. 1336, set forth ante, under chapter 1 of this Title; and the times for the terms of the circuit and district courts for the middle district, appointed by Act March 2, 1901, c. 801, § 2, Comp. St. 1901, p. 406, are changed by Act June 30, 1902, c. 1335, also set forth under chapter 1 of this Title.

**[South Dakota.]**

The times fixed by Act Nov. 3, 1893, c. 10, § 3, Comp. St. 1901, p. 412, for terms of the courts for the district of South Dakota, are changed by Act May 9, 1902, c. 785, set forth ante, under chapter 1 of this Title.

**Tennessee.**

The time fixed for one of the terms of the courts in the northern division of the eastern district at Knoxville by Act Feb. 2, 1899, c. 83, § 1, Comp. St. 1901, p. 418, is changed by Act April 28, 1904, c. 1797, § 1, set forth ante, under chapter 1 of this title.

**Texas.**

All previous provisions relating to terms of the courts for the districts of Texas are superseded by those of Act March 11, 1902, c. 183, which divides the state into four judicial districts, the northern, the eastern, the southern, and the western districts, instead of the three districts previously existing, and appoints terms of the courts in each district, by sections 11-14 of the act, set forth ante, under chapter 1 of this Title. The times fixed by section 14 of that act for terms in the western district are changed by an amendment of the section by Act Jan. 30, 1903, c. 337, 32 Stat. 785, which is incorporated into that section as set forth under chapter 1. And on the establishment of an additional division in the eastern district by Act March 2, 1903, c. 974, terms of the courts in that division at Texarkana are appointed by section 2 of that act, also set forth ante, under chapter 1 of this Title.

**[Utah.]**

The times fixed by Act March 2, 1897, c. 366, § 5, Comp. St. 1901, p. 436, for terms of the district court for the district of Utah, are changed, and additional terms are authorized, by Act Feb. 16, 1903, c. 706, set forth ante, under chapter 1 of this Title.

**Vermont.**

The adjournment of one of the stated terms of the circuit court and the district court for the district of Vermont to Newport is authorized by Act April 22, 1904, c. 1419, set forth ante, under chapter 1 of this Title.

**Virginia.**

The previous provisions for terms of the courts for the western district are re-enacted and additional terms at Charlottesville and at Roanoke City are appointed by Act June 30, 1902, c. 1339, § 1, and Act Feb.

**ACT JAN. 21, 1905, c. 51. [H. R. 7279.]**

An Act for an Additional Circuit Judge in the First Judicial Circuit.  
(33 Stat. 611.)

**Additional circuit judge for first circuit.**

Be it enacted, &c., That there shall be in the first judicial circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction now prescribed by law in respect to the present circuit judges.

Act Jan. 21, 1905, c. 51, 33 Stat. 611.

**ACT MARCH 3, 1905, c. 1427, § 1. [S. 7049.]****Additional circuit judge for seventh circuit.**

Be it enacted, &c., That there shall be in the seventh circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to circuit judges of the United States.

Act March 3, 1905, c. 1427, § 1, 33 Stat. 992.

Of the other sections of this act, section 2, which authorizes an additional district judge for the northern district of Illinois, is set forth ante, under chapter 2 of this Title; and the remaining sections, 3-24, which divide the State of Illinois into three judicial districts, and provide for district judges and other officers and for terms of the courts therefor, are set forth ante, under chapter 1 of this Title.

**Sec. 619.****Clerks.**

The statutes establishing new judicial districts or divisions in districts contain provisions for the appointment of clerks and deputy clerks of the circuit courts as well as of the district courts for such districts and divisions, their powers, duties, compensation, etc., inseparably connected with the provisions relating to the districts or the divisions therein. Such statutes relating to particular districts, therefore, are set forth in full in chapter 1 of this Title, under the names of the states in alphabetical order.

**Sec. 621.****Clerks in North Carolina.**

Besides the clerk of the court for the eastern district of North Carolina held at Raleigh, an additional clerk of both the district and circuit courts held at Wilmington is provided for by an amendment of Act June 4, 1872, c. 282, 17 Stat. 215, by Act April 15, 1902, c. 508, set forth ante, under chapter 1 of this Title.

**Sec. 624.****Deputy clerks.**

See note under Rev. St. § 619, above, as to special provisions for appointment of deputy clerks, contained in statutes establishing new districts or subdividing districts into divisions.

## CHAPTER SEVEN.

### Circuit Courts—Jurisdiction.

#### Sec. 629.

##### **Jurisdiction.**

Jurisdiction of certain crimes committed within the limits of any Indian reservation in the State of South Dakota is conferred on the circuit and district courts for the district of South Dakota by Act Feb. 2, 1903, c. 351, set forth post, under Title LXX, "Crimes," c. 3.

Jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of Act Feb. 20, 1905, c. 592, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2, arising under that act, is conferred on the circuit courts, without regard to the amount in controversy, by section 17 of said act.

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## CHAPTER EIGHT.

### Circuit Courts—Sessions.

#### Sec. 658.

##### **Terms.**

The statutes establishing new judicial districts or subdividing districts into divisions contain further provisions appointing terms of the courts, circuit courts as well as district courts, to be held in the particular districts or divisions. These provisions usually are connected inseparably with those establishing and dividing the various districts, and the terms of both district courts and circuit courts are appointed in nearly every instance to be held at the same times and places. They are set forth, therefore, with the other provisions of the same statutes, in chapter 1 of this Title, under the names of the states in alphabetical order. References to such provisions are inserted here under the names of such states, respectively.

The times for the terms of the circuit courts in the first circuit are changed by Act May 14, 1902, c. 790, set forth below.

##### **Alabama.**

The times for the terms of the courts for the middle district and the northern division of the northern district of Alabama are changed by Act Feb. 9, 1903, c. 533, set forth ante, under chapter 1 of this Title. And on the division of the northern district into three divisions, by Act Feb. 16, 1903, c. 554, additional terms of the courts in the eastern division of that district at Anniston are appointed by section 1 of that act, also set forth ante, under chapter 1 of this Title, by amendment of Act May 2, 1894, c. 88, § 2; and on the establishment of a western division in said northern district by Act March 3, 1905, c. 1419, § 8, terms of the courts in that division at Tuscaloosa are appointed by that section, also set forth ante, under chapter 1 of this Title.

##### **Arkansas.**

On the establishment of the Harrison division in the western district of Arkansas, by Act March 18, 1902, c. 222, terms of the courts in that division at Harrison are appointed by section 4 of that act, set forth ante, under chapter 1 of this Title. And the times for the terms in the eastern

division of the eastern district are changed by Act Feb. 3, 1903, c. 400, also set forth ante, under chapter 1 of this Title.

**[Colorado.]**

All previous provisions relating to terms of the courts for the district of Colorado are superseded by those of Act Feb. 16, 1903, c. 555, set forth ante, under chapter 1 of this Title.

**Florida.**

An additional session of the circuit court for the southern district of Florida is appointed each year at the city of Fernandina by Act Feb. 18, 1905, c. 584, § 1, set forth ante, under chapter 1 of this Title.

**Georgia.**

The time for terms of the courts in the eastern division of the northern district of Georgia at Athens is changed by Act April 7, 1904, c. 940, set forth ante, under chapter 1 of this Title. And on the establishment of a southwestern division in the southern district, by Act June 30, 1902, c. 1338, terms of the courts in that division at Valdosta are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title; and by the subsequent Act June 30, 1902, c. 1338, also set forth under chapter 1 of this Title, which establishes a southwestern division, differently constituted, terms of the courts therein are appointed to be held at Albany.

**Illinois.**

Previous provisions relating to terms of the courts for the districts of Illinois are to a great extent superseded by those of Act March 3, 1905, c. 1427, which divides the State into three judicial districts, the northern, the southern, and the eastern districts, instead of the two districts previously existing, and appoints terms of the courts in each district, by sections 5, 10, 16, of the act, set forth ante, under chapter 1 of this Title.

**Iowa.**

On the establishment of the Davenport division of the southern district of Iowa by Act April 28, 1904, c. 1800, terms of the courts in that division at the city of Davenport are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**Kansas.**

Additional terms of the courts in the first division of the district of Kansas at Kansas City, Kan., are appointed by Act Feb. 19, 1903, c. 709, set forth ante, under chapter 1 of this Title.

**Kentucky.**

Additional terms of the courts for the eastern district of Kentucky at Catlettsburg are appointed by an amendment of Act Feb. 12, 1901, c. 355, § 9, Comp. St. 1901, p. 362, by Act March 10, 1902, c. 144, set forth ante, under chapter 1 of this Title.

**Louisiana.**

On the establishment of an additional division in the western district of Louisiana by Act March 2, 1905, c. 1308, terms of the courts in that division at the city of Lake Charles are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**Maine.**

The times fixed by Rev. St. § 658, for the terms of the circuit court for the district of Maine are changed by a provision of Act May 14, 1902, c. 790, set forth below.

**Massachusetts.**

The times fixed by Rev. St. § 658, for the terms of the circuit court for the district of Massachusetts are changed by a provision of Act May 14, 1902, c. 790, set forth below.



**Minnesota.**

The times fixed by Act April 26, 1890, c. 167, § 4, Comp. St. 1901, p. 376, for terms of the courts for the district of Minnesota, are changed by an amendment of that act by Act Feb. 9, 1904, c. 153, § 1, set forth ante, under chapter 1 of this Title.

**Missouri.**

On the establishment of the southeastern division in the eastern district of Missouri by Act Jan. 31, 1905, c. 287, terms of the courts in that division are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**[Montana.]**

Additional terms of the courts for the district of Montana at Great Falls are appointed by Act April 27, 1904, c. 1610, set forth ante, under chapter 1 of this Title.

**New Hampshire.**

The times fixed by Rev. St. § 658, for the terms of the circuit court for the district of New Hampshire are changed by a provision of Act May 14, 1902, c. 790, set forth below.

**North Carolina.**

Additional terms of the courts for the eastern district of North Carolina at Washington are appointed by Act March 3, 1905, c. 1437, set forth ante, under chapter 1 of this Title. And additional terms of the courts for the western district at Wilkesboro are appointed by Act Feb. 23, 1903, c. 740, amended by Act April 22, 1904, c. 1422, also set forth ante, under chapter 1 of this Title.

**Pennsylvania.**

The times for the terms of the circuit and district courts for the middle district of Pennsylvania, appointed by Act March 2, 1901, c. 801, § 2, Comp. St. 1901, p. 406, are changed by Act June 30, 1902, c. 1335, set forth under chapter 1 of this Title.

**Rhode Island.**

The time fixed by Rev. St. § 658, for the June term of the circuit court for the district of Rhode Island, is changed by a provision of Act May 14, 1902, c. 790, set forth below.

**[South Dakota.]**

The times fixed by Act Nov. 3, 1893, c. 10, § 3, Comp. St. 1901, p. 412, for terms of the courts for the district of South Dakota, are changed by Act May 9, 1902, c. 785, set forth ante, under chapter 1 of this Title.

**Tennessee.**

The time fixed for one of the terms of the courts in the northern division of the eastern district of Tennessee at Knoxville by Act Feb. 2, 1899, c. 83, § 1, Comp. St. 1901, p. 418, is changed by Act April 28, 1904, c. 1797, § 1, set forth ante, under chapter 1 of this Title.

**Texas.**

All previous provisions relating to terms of the courts for the districts of Texas are superseded by those of Act March 11, 1902, c. 183, which divides the state into four judicial districts, the northern, the eastern, the southern, and the western districts, instead of the three districts previously existing, and appoints terms of the courts in each district, by sections 11-14 of the act, set forth ante, under chapter 1 of this Title. The times fixed by section 14 of that act for terms in the western district are changed by an amendment of the section by Act Jan. 30, 1903, c. 337, 32 Stat. 785, which is incorporated into that section as set forth under chapter 1. And on the establishment of an additional

division in the eastern district by Act March 2, 1903, c. 974, terms of the courts in that division at Texarkana are appointed by section 2 of that act, also set forth ante, under chapter 1 of this Title.

**Vermont.**

The adjournment of one of the stated terms of the circuit court and the district court for the district of Vermont to Newport is authorized by Act April 22, 1904, c. 1419, set forth ante, under chapter 1 of this Title.

**Virginia.**

The previous provisions for terms of the courts for the western district are re-enacted and additional terms at Charlottesville and at Roanoke City are appointed by Act June 30, 1902, c. 1339, § 1, and Act Feb. 3, 1903, c. 398, § 1, and at the city of Bigstone Gap by Act April 22, 1904, c. 1421, set forth ante, under chapter 1 of this Title.

**[Washington.]**

All previous provisions relating to terms of the courts for the district of Washington, as previously constituted, are superseded by those of Act March 2, 1905, c. 1305, which divides the state into two districts, the eastern and the western districts, and appoints terms of the courts in each district, by sections 8, 9, of the act, set forth ante, under chapter 1 of this Title.

**West Virginia.**

The times fixed by Act Jan. 22, 1901, c. 105, § 9, Comp. St. 1901, p. 442, for terms of the courts for the southern district of West Virginia, are changed by an amendment of that act by Act June 4, 1902, c. 989, and additional terms at Lewisburg are appointed by Act April 28, 1904, c. 1802, set forth ante, under chapter 1 of this Title. And an additional term in the northern district at Martinsburg is appointed by Act Feb. 24, 1904, c. 163, also set forth ante, under chapter 1 of this Title.

**Wisconsin.**

Additional terms of the courts for the eastern district of Wisconsin at Green Bay are appointed by an amendment of Act March 31, 1892, c. 28, Comp. St. 1901, p. 444, by Act March 28, 1904, c. 849, set forth ante, under chapter 1 of this Title.

**ACT MAY 14, 1902, c. 790.**

An Act to Change the Terms of the Circuit Courts of the United States within the First Circuit. (32 Stat. 199.)

**Maine, New Hampshire, Massachusetts, and Rhode Island; times for terms of circuit courts.**

Be it enacted, &c., That the regular terms of the circuit courts within the first circuit hereinafter named, which commence after the first day of January, nineteen hundred and three, shall be held at the places now provided by law, but instead of the times at which the same now commence they shall be changed to commence as follows:

In the district of Maine the April term shall be changed from the twenty-third day of April to commence on the third Tuesday of April, and the September term from the twenty-third day of September to commence on the third Tuesday of September.

In the district of New Hampshire the May term shall be changed from the eighth day of May to commence on the first Tuesday of May, and the October term from the eighth day of October to commence on the second Tuesday of December.

In the district of Massachusetts the May term shall be changed from the fifteenth day of May to commence on the last Tuesday of February, and the October term from the fifteenth day of October to commence on the third Tuesday of October.

In the district of Rhode Island the June term shall be changed from the fifteenth day of June to commence on the fourth Tuesday of May.

Act May 14, 1902, c. 790, 32 Stat. 199.

## [CHAPTER EIGHT A.]

### [Circuit Courts of Appeals.]

**ACT MARCH 3, 1891, c. 517, §§ 3, 6, 8.**

**Courts, by whom to be held; terms.**

Besides the terms appointed by section 3 of this act, set forth in Comp. St. 1901, p. 548, additional terms of the circuit courts of appeals for the fifth circuit and for the eighth circuit are appointed or authorized by amendments of this act by various statutes, set forth below.

**Appellate jurisdiction of circuit courts of appeals.**

Besides the cases appellate jurisdiction of which is given by Act March 3, 1891, c. 517, § 6, set forth in Comp. St. 1901, p. 549, such jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of Act Feb. 20, 1905, c. 592, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2, arising under that act, is conferred on the circuit courts of appeals, without regard to the amount in controversy, by section 17 of said act.

Writs of certiorari may be granted by the Supreme Court, for review, in the same manner as provided for patent cases by this act, of cases arising under Act Feb. 20, 1905, c. 592, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2, which relates to registration and protection of trade-marks.

**Expenses of judges attending circuit courts of appeals.**

Annual appropriations for the expenses of justices or judges who attend the circuit court of appeals held at any place other than where they reside, as provided by section 8 of this act, set forth in Comp. St. 1901, p. 551, are made by the sundry civil appropriation acts. In the appropriation for the fiscal year ending June 30, 1906, after the words "reasonable expenses" used in previous acts, the words "actually incurred" are added, making the provision read as follows: "reasonable expenses actually incurred for travel and attendance of justices or judges who shall attend the circuit court of appeals held at any other place than where they reside, not to exceed ten dollars per day, the same to be paid upon written certificates of said judge, and such payments shall be allowed the marshal in the settlement of his account with the United States." Act March 3, 1905, c. 1483, § 1, 33 Stat. 1208.

**ACT FEB. 8, 1896, c. 14.**

**Jurisdiction of circuit court of appeals for eighth circuit on writ of error or appeal from court of appeals in Indian Territory.**

Appeals and writs of error are to be taken from the court of appeals in the Indian Territory to the circuit court of appeals for the eighth SUPP. '05—10

circuit in the same manner as appeals or writs of error from the circuit courts, by Act March 3, 1905, c. 1479, § 12, set forth below.

**ACT JUNE 9, 1902, c. 1071.**

An Act Providing that the Circuit Court of Appeals of the Eighth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Denver, in the State of Colorado, or in the City of Cheyenne, in the State of Wyoming, on the First Monday in September in Each Year, and at the City of Saint Paul, in the State of Minnesota, on the First Monday in May in Each Year. (32 Stat. 329.)

**Additional terms of court for eighth circuit.**

Be it enacted, &c., That the circuit court of appeals of the eighth judicial circuit of the United States is hereby authorized and required to hold one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and is hereby authorized and required to hold one term of said court annually in the city of Saint Paul and State of Minnesota on the first Monday in May of each year.

Act June 9, 1902, c. 1071, § 1, 32 Stat. 329.

This provision is not to prevent the court from holding other terms, by section 3 of the act, set forth below.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the circuit or district courts of the United States in the States of Colorado, Utah, and Wyoming, and the supreme court of the Territory of New Mexico, to the court of appeals of the eighth judicial circuit, shall be heard and disposed of by the said court of appeals at the term thereof hereinbefore provided for so to be held either at the city of Denver, in the State of Colorado, or at the city of Cheyenne, in the State of Wyoming, except that any case arising from said States and Territory may, by consent of all the parties thereto, be heard and decided at a term of said court other than the one to be held in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming.

Act June 9, 1902, c. 1071, § 2, 32 Stat. 329.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the aforesaid places or in such other places in the said eighth judicial circuit as said court may from time to time designate.

Act June 9, 1902, c. 1071, § 3, 32 Stat. 329.

**Amendment of previous provisions.**

Sec. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Act June 9, 1902, c. 1071, § 4, 32 Stat. 329.

**ACT JUNE 30, 1902, c. 1333.**

An Act Providing That the Circuit Court of Appeals of the Fifth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Atlanta, in the State of Georgia, on the First Monday in October in Each Year. (32 Stat. 548.)

**Additional term of court for fifth circuit.**

Be it enacted, &c., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

Act June 30, 1902, c. 1333, § 1, 32 Stat. 548.

This provision is not to prevent the court from holding other terms, by section 3 of the act, set forth below.

Additional terms at other places are provided for by Act Dec. 18, 1902, c. 4, and Act Jan. 30, 1903, c. 335, set forth below.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this Act, be taken or prosecuted from the circuit or district courts of the United States in the State of Georgia to the court of appeals of the fifth judicial circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Atlanta in pursuance of this Act: - Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

Act June 30, 1902, c. 1333, § 2, 32 Stat. 548.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the city of Atlanta or in such other places in the said fifth judicial circuit as said court may from time to time designate.

Act June 30, 1902, c. 1333, § 3, 32 Stat. 548.

**Amendment of previous provisions.**

Sec. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Act June 30, 1902, c. 1333, § 4, 32 Stat. 548.

**Expenses of clerk.**

Sec. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office, (one) the necessary expenses incurred by him in transporting from his office in New Orleans, Louisiana, to Atlanta, Georgia, and in transporting from Atlanta, Georgia, to New Orleans, Louisiana, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Atlanta, Georgia; (two) an allowance for

actual expenses not exceeding ten dollars per day, to cover travel and subsistence, for each day he may be required to be present at Atlanta, Georgia, on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Act June 30, 1902, c. 1838, § 5, 32 Stat. 548.

**ACT DEC. 18, 1902, c. 4.**

An Act Providing That the Circuit Court of Appeals of the Fifth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Fort Worth, in the State of Texas, on the First Monday in November in Each Year. (32 Stat. 756.)

**Additional term of court for fifth circuit.**

Be it enacted, &c., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

Act Dec. 18, 1902, c. 4, § 1, 32 Stat. 756.

This provision is not to prevent the court from holding other terms, by section 3 of the act, set forth below.

Additional terms at other places are provided for by Act June 30, 1902, c. 1838, set forth above, and Act Jan. 30, 1903, c. 835, set forth below.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this Act, be taken or prosecuted from the circuit or district courts of the United States in the State of Texas to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Fort Worth in pursuance of this Act: Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

Act Dec. 18, 1902, c. 4, § 2, 32 Stat. 756.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the city of Fort Worth or in such other places in the said fifth judicial district as said court may from time to time designate.

Act Dec. 18, 1902, c. 4, § 3, 32 Stat. 756.

**Amendment of previous provisions.**

Sec. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Act Dec. 18, 1902, c. 4, § 4, 32 Stat. 756.

**Expenses of clerk.**

Sec. 5. That the clerk of said court is authorized and permitted to

pay, out of the fees and emoluments of his office, (one) the expenses incurred by him in transporting from his office in New Orleans, Louisiana, to Fort Worth, Texas, and in transporting from Fort Worth, Texas, to New Orleans, Louisiana, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Fort Worth, Texas; (two) an allowance for actual expenses not exceeding ten dollars per day to cover travel and subsistence for each day he may be required to be present at Fort Worth, Texas, on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Act Dec. 18, 1902, c. 4, § 5, 32 Stat. 548.

**ACT JAN. 30, 1903, c. 335. [As amended 1904.]**

An Act Providing That the Circuit Court of Appeals of the Fifth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Montgomery, in the State of Alabama, on the First Monday in September in Each Year. (32 Stat. 784.)

**Additional term of court for fifth circuit.**

Be it enacted, &c., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Montgomery, in the State of Alabama, on the third Monday in October in each year.

Act Jan. 30, 1903, c. 335, § 1, 32 Stat. 784. Act April 22, 1904, c. 1420, 33 Stat. 249.

The concluding words of this section, as originally enacted, "on the first Monday of September in each year," were stricken out, and the words, "on the third Monday in October in each year," inserted, by amendment by Act April 22, 1904, c. 1420, cited above.

This provision is not to prevent the court from holding other terms, by section 3 of the act, set forth below.

Additional terms at other places are provided for by Act June 30, 1902, c. 1333, and Act Dec. 18, 1902, c. 4, set forth above.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this Act, be taken or prosecuted from the circuit or district courts of the United States in the State of Alabama to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Montgomery in pursuance of this Act: Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

Act Jan. 30, 1903, c. 335, § 2, 32 Stat. 784.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the city of Montgomery or in such other

**ACT JAN. 21, 1905, c. 51. [H. R. 7279.]**

An Act for an Additional Circuit Judge in the First Judicial Circuit.  
(33 Stat. 611.)

**Additional circuit judge for first circuit.**

Be it enacted, &c., That there shall be in the first judicial circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction now prescribed by law in respect to the present circuit judges.

Act Jan. 21, 1905, c. 51, 33 Stat. 611.

**ACT MARCH 3, 1905, c. 1427, § 1. [S. 7049.]****Additional circuit judge for seventh circuit.**

Be it enacted, &c., That there shall be in the seventh circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to circuit judges of the United States.

Act March 3, 1905, c. 1427, § 1, 33 Stat. 992.

Of the other sections of this act, section 2, which authorizes an additional district judge for the northern district of Illinois, is set forth ante, under chapter 2 of this Title; and the remaining sections, 3-24, which divide the State of Illinois into three judicial districts, and provide for district judges and other officers and for terms of the courts therefor, are set forth ante, under chapter 1 of this Title.

**Sec. 619.****Clerks.**

The statutes establishing new judicial districts or divisions in districts contain provisions for the appointment of clerks and deputy clerks of the circuit courts as well as of the district courts for such districts and divisions, their powers, duties, compensation, etc., inseparably connected with the provisions relating to the districts or the divisions therein. Such statutes relating to particular districts, therefore, are set forth in full in chapter 1 of this Title, under the names of the states in alphabetical order.

**Sec. 621.****Clerks in North Carolina.**

Besides the clerk of the court for the eastern district of North Carolina held at Raleigh, an additional clerk of both the district and circuit courts held at Wilmington is provided for by an amendment of Act June 4, 1872, c. 282, 17 Stat. 215, by Act April 15, 1902, c. 508, set forth ante, under chapter 1 of this Title.

**Sec. 624.****Deputy clerks.**

See note under Rev. St. § 619, above, as to special provisions for appointment of deputy clerks, contained in statutes establishing new districts or subdividing districts into divisions.



## CHAPTER SEVEN.

### Circuit Courts—Jurisdiction.

#### Sec. 629.

##### **Jurisdiction.**

Jurisdiction of certain crimes committed within the limits of any Indian reservation in the State of South Dakota is conferred on the circuit and district courts for the district of South Dakota by Act Feb. 2, 1903, c. 351, set forth post, under Title LXX, "Crimes," c. 3.

Jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of Act Feb. 20, 1905, c. 592, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2, arising under that act, is conferred on the circuit courts, without regard to the amount in controversy, by section 17 of said act.

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## CHAPTER EIGHT.

### Circuit Courts—Sessions.

#### Sec. 658.

##### **Terms.**

The statutes establishing new judicial districts or subdividing districts into divisions contain further provisions appointing terms of the courts, circuit courts as well as district courts, to be held in the particular districts or divisions. These provisions usually are connected inseparably with those establishing and dividing the various districts, and the terms of both district courts and circuit courts are appointed in nearly every instance to be held at the same times and places. They are set forth, therefore, with the other provisions of the same statutes, in chapter 1 of this Title, under the names of the states in alphabetical order. References to such provisions are inserted here under the names of such states, respectively.

The times for the terms of the circuit courts in the first circuit are changed by Act May 14, 1902, c. 790, set forth below.

##### **Alabama.**

The times for the terms of the courts for the middle district and the northern division of the northern district of Alabama are changed by Act Feb. 9, 1903, c. 533, set forth ante, under chapter 1 of this Title. And on the division of the northern district into three divisions, by Act Feb. 16, 1903, c. 554, additional terms of the courts in the eastern division of that district at Anniston are appointed by section 1 of that act, also set forth ante, under chapter 1 of this Title, by amendment of Act May 2, 1884, c. 38, § 2; and on the establishment of a western division in said northern district by Act March 3, 1905, c. 1419, § 8, terms of the courts in that division at Tuscaloosa are appointed by that section, also set forth ante, under chapter 1 of this Title.

##### **Arkansas.**

On the establishment of the Harrison division in the western district of Arkansas, by Act March 13, 1902, c. 222, terms of the courts in that division at Harrison are appointed by section 4 of that act, set forth ante, under chapter 1 of this Title. And the times for the terms in the eastern

division of the eastern district are changed by Act Feb. 3, 1903, c. 400, also set forth ante, under chapter 1 of this Title.

**[Colorado.]**

All previous provisions relating to terms of the courts for the district of Colorado are superseded by those of Act Feb. 16, 1903, c. 535, set forth ante, under chapter 1 of this Title.

**Florida.**

An additional session of the circuit court for the southern district of Florida is appointed each year at the city of Fernandina by Act Feb. 18, 1905, c. 584, § 1, set forth ante, under chapter 1 of this Title.

**Georgia.**

The time for terms of the courts in the eastern division of the northern district of Georgia at Athens is changed by Act April 7, 1904, c. 940, set forth ante, under chapter 1 of this Title. And on the establishment of a southwestern division in the southern district, by Act June 30, 1902, c. 1338, terms of the courts in that division at Valdosta are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title; and by the subsequent Act June 30, 1902, c. 1338, also set forth under chapter 1 of this Title, which establishes a southwestern division, differently constituted, terms of the courts therein are appointed to be held at Albany.

**Illinois.**

Previous provisions relating to terms of the courts for the districts of Illinois are to a great extent superseded by those of Act March 3, 1905, c. 1427, which divides the State into three judicial districts, the northern, the southern, and the eastern districts, instead of the two districts previously existing, and appoints terms of the courts in each district, by sections 5, 10, 16, of the act, set forth ante, under chapter 1 of this Title.

**Iowa.**

On the establishment of the Davenport division of the southern district of Iowa by Act April 28, 1904, c. 1800, terms of the courts in that division at the city of Davenport are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**Kansas.**

Additional terms of the courts in the first division of the district of Kansas at Kansas City, Kan., are appointed by Act Feb. 19, 1903, c. 709, set forth ante, under chapter 1 of this Title.

**Kentucky.**

Additional terms of the courts for the eastern district of Kentucky at Catlettsburg are appointed by an amendment of Act Feb. 12, 1901, c. 355, § 9, Comp. St. 1901, p. 362, by Act March 10, 1902, c. 144, set forth ante, under chapter 1 of this Title.

**Louisiana.**

On the establishment of an additional division in the western district of Louisiana by Act March 2, 1905, c. 1308, terms of the courts in that division at the city of Lake Charles are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**Maine.**

The times fixed by Rev. St. § 658, for the terms of the circuit court for the district of Maine are changed by a provision of Act May 14, 1902, c. 790, set forth below.

**Massachusetts.**

The times fixed by Rev. St. § 658, for the terms of the circuit court for the district of Massachusetts are changed by a provision of Act May 14, 1902, c. 790, set forth below.

**Minnesota.**

The times fixed by Act April 26, 1890, c. 167, § 4, Comp. St. 1901, p. 376, for terms of the courts for the district of Minnesota, are changed by an amendment of that act by Act Feb. 9, 1904, c. 153, § 1, set forth ante, under chapter 1 of this Title.

**Missouri.**

On the establishment of the southeastern division in the eastern district of Missouri by Act Jan. 31, 1905, c. 287, terms of the courts in that division are appointed by section 2 of that act, set forth ante, under chapter 1 of this Title.

**[Montana.]**

Additional terms of the courts for the district of Montana at Great Falls are appointed by Act April 27, 1904, c. 1610, set forth ante, under chapter 1 of this Title.

**New Hampshire.**

The times fixed by Rev. St. § 658, for the terms of the circuit court for the district of New Hampshire are changed by a provision of Act May 14, 1902, c. 790, set forth below.

**North Carolina.**

Additional terms of the courts for the eastern district of North Carolina at Washington are appointed by Act March 3, 1905, c. 1437, set forth ante, under chapter 1 of this Title. And additional terms of the courts for the western district at Wilkesboro are appointed by Act Feb. 23, 1903, c. 740, amended by Act April 22, 1904, c. 1422, also set forth ante, under chapter 1 of this Title.

**Pennsylvania.**

The times for the terms of the circuit and district courts for the middle district of Pennsylvania, appointed by Act March 2, 1901, c. 801, § 2, Comp. St. 1901, p. 406, are changed by Act June 30, 1902, c. 1335, set forth under chapter 1 of this Title.

**Rhode Island.**

The time fixed by Rev. St. § 658, for the June term of the circuit court for the district of Rhode Island, is changed by a provision of Act May 14, 1902, c. 790, set forth below.

**[South Dakota.]**

The times fixed by Act Nov. 3, 1893, c. 10, § 3, Comp. St. 1901, p. 412, for terms of the courts for the district of South Dakota, are changed by Act May 9, 1902, c. 785, set forth ante, under chapter 1 of this Title.

**Tennessee.**

The time fixed for one of the terms of the courts in the northern division of the eastern district of Tennessee at Knoxville by Act Feb. 2, 1899, c. 83, § 1, Comp. St. 1901, p. 418, is changed by Act April 28, 1904, c. 1797, § 1, set forth ante, under chapter 1 of this Title.

**Texas.**

All previous provisions relating to terms of the courts for the districts of Texas are superseded by those of Act March 11, 1902, c. 183, which divides the state into four judicial districts, the northern, the eastern, the southern, and the western districts, instead of the three districts previously existing, and appoints terms of the courts in each district, by sections 11-14 of the act, set forth ante, under chapter 1 of this Title. The times fixed by section 14 of that act for terms in the western district are changed by an amendment of the section by Act Jan. 30, 1903, c. 337, 32 Stat. 785, which is incorporated into that section as set forth under chapter 1. And on the establishment of an additional

division in the eastern district by Act March 2, 1903, c. 974, terms of the courts in that division at Texarkana are appointed by section 2 of that act, also set forth ante, under chapter 1 of this Title.

**Vermont.**

The adjournment of one of the stated terms of the circuit court and the district court for the district of Vermont to Newport is authorized by Act April 22, 1904, c. 1419, set forth ante, under chapter 1 of this Title.

**Virginia.**

The previous provisions for terms of the courts for the western district are re-enacted and additional terms at Charlottesville and at Roanoke City are appointed by Act June 30, 1902, c. 1339, § 1, and Act Feb. 3, 1903, c. 398, § 1, and at the city of Bigstone Gap by Act April 22, 1904, c. 1421, set forth ante, under chapter 1 of this Title.

**[Washington.]**

All previous provisions relating to terms of the courts for the district of Washington, as previously constituted, are superseded by those of Act March 2, 1905, c. 1305, which divides the state into two districts, the eastern and the western districts, and appoints terms of the courts in each district, by sections 8, 9, of the act, set forth ante, under chapter 1 of this Title.

**West Virginia.**

The times fixed by Act Jan. 22, 1901, c. 105, § 9, Comp. St. 1901, p. 442, for terms of the courts for the southern district of West Virginia, are changed by an amendment of that act by Act June 4, 1902, c. 989, and additional terms at Lewisburg are appointed by Act April 28, 1904, c. 1802, set forth ante, under chapter 1 of this Title. And an additional term in the northern district at Martinsburg is appointed by Act Feb. 24, 1904, c. 163, also set forth ante, under chapter 1 of this Title.

**Wisconsin.**

Additional terms of the courts for the eastern district of Wisconsin at Green Bay are appointed by an amendment of Act March 31, 1892, c. 28, Comp. St. 1901, p. 444, by Act March 28, 1904, c. 849, set forth ante, under chapter 1 of this Title.

**ACT MAY 14, 1902, c. 790.**

An Act to Change the Terms of the Circuit Courts of the United States within the First Circuit. (32 Stat. 199.)

**Maine, New Hampshire, Massachusetts, and Rhode Island; times for terms of circuit courts.**

Be it enacted, &c., That the regular terms of the circuit courts within the first circuit hereinafter named, which commence after the first day of January, nineteen hundred and three, shall be held at the places now provided by law, but instead of the times at which the same now commence they shall be changed to commence as follows:

In the district of Maine the April term shall be changed from the twenty-third day of April to commence on the third Tuesday of April, and the September term from the twenty-third day of September to commence on the third Tuesday of September.

In the district of New Hampshire the May term shall be changed from the eighth day of May to commence on the first Tuesday of May, and the October term from the eighth day of October to commence on the second Tuesday of December.

In the district of Massachusetts the May term shall be changed from the fifteenth day of May to commence on the last Tuesday of February, and the October term from the fifteenth day of October to commence on the third Tuesday of October.

In the district of Rhode Island the June term shall be changed from the fifteenth day of June to commence on the fourth Tuesday of May.

Act May 14, 1902, c. 790, 32 Stat. 199.

## **[CHAPTER EIGHT A.]**

### **[Circuit Courts of Appeals.]**

**ACT MARCH 3, 1891, c. 517, §§ 3, 6, 8.**

**Courts, by whom to be held; terms.**

Besides the terms appointed by section 3 of this act, set forth in Comp. St. 1901, p. 548, additional terms of the circuit courts of appeals for the fifth circuit and for the eighth circuit are appointed or authorized by amendments of this act by various statutes, set forth below.

**Appellate jurisdiction of circuit courts of appeals.**

Besides the cases appellate jurisdiction of which is given by Act March 3, 1891, c. 517, § 6, set forth in Comp. St. 1901, p. 549, such jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of Act Feb. 20, 1905, c. 592, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2, arising under that act, is conferred on the circuit courts of appeals, without regard to the amount in controversy, by section 17 of said act.

Writs of certiorari may be granted by the Supreme Court, for review, in the same manner as provided for patent cases by this act, of cases arising under Act Feb. 20, 1905, c. 592, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2, which relates to registration and protection of trade-marks.

**Expenses of judges attending circuit courts of appeals.**

Annual appropriations for the expenses of justices or judges who attend the circuit court of appeals held at any place other than where they reside, as provided by section 8 of this act, set forth in Comp. St. 1901, p. 551, are made by the sundry civil appropriation acts. In the appropriation for the fiscal year ending June 30, 1906, after the words "reasonable expenses" used in previous acts, the words "actually incurred" are added, making the provision read as follows: "reasonable expenses actually incurred for travel and attendance of justices or judges who shall attend the circuit court of appeals held at any other place than where they reside, not to exceed ten dollars per day, the same to be paid upon written certificates of said judge, and such payments shall be allowed the marshal in the settlement of his account with the United States." Act March 3, 1905, c. 1483, § 1, 33 Stat. 1208.

**ACT FEB. 8, 1896, c. 14.**

**Jurisdiction of circuit court of appeals for eighth circuit on writ of error or appeal from court of appeals in Indian Territory.**

Appeals and writs of error are to be taken from the court of appeals in the Indian Territory to the circuit court of appeals for the eighth  
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circuit in the same manner as appeals or writs of error from the circuit courts, by Act March 3, 1905, c. 1479, § 12, set forth below.

**ACT JUNE 9, 1902, c. 1071.**

An Act Providing that the Circuit Court of Appeals of the Eighth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Denver, in the State of Colorado, or in the City of Cheyenne, in the State of Wyoming, on the First Monday in September in Each Year, and at the City of Saint Paul, in the State of Minnesota, on the First Monday in May in Each Year. (32 Stat. 329.)

**Additional terms of court for eighth circuit.**

Be it enacted, &c., That the circuit court of appeals of the eighth judicial circuit of the United States is hereby authorized and required to hold one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and is hereby authorized and required to hold one term of said court annually in the city of Saint Paul and State of Minnesota on the first Monday in May of each year.

Act June 9, 1902, c. 1071, § 1, 32 Stat. 329.

This provision is not to prevent the court from holding other terms. by section 3 of the act, set forth below.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the circuit or district courts of the United States in the States of Colorado, Utah, and Wyoming, and the supreme court of the Territory of New Mexico, to the court of appeals of the eighth judicial circuit, shall be heard and disposed of by the said court of appeals at the term thereof hereinbefore provided for so to be held either at the city of Denver, in the State of Colorado, or at the city of Cheyenne, in the State of Wyoming, except that any case arising from said States and Territory may, by consent of all the parties thereto, be heard and decided at a term of said court other than the one to be held in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming.

Act June 9, 1902, c. 1071, § 2, 32 Stat. 329.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the aforesaid places or in such other places in the said eighth judicial circuit as said court may from time to time designate.

Act June 9, 1902, c. 1071, § 3, 32 Stat. 329.

**Amendment of previous provisions.**

Sec. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Act June 9, 1902, c. 1071, § 4, 32 Stat. 329.

**ACT JUNE 30, 1902, c. 1333.**

An Act Providing That the Circuit Court of Appeals of the Fifth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Atlanta, in the State of Georgia, on the First Monday in October in Each Year. (32 Stat. 548.)

**Additional term of court for fifth circuit.**

Be it enacted, &c., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

Act June 30, 1902, c. 1333, § 1, 32 Stat. 548.

This provision is not to prevent the court from holding other terms, by section 3 of the act, set forth below.

Additional terms at other places are provided for by Act Dec. 18, 1902, c. 4, and Act Jan. 30, 1903, c. 335, set forth below.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this Act, be taken or prosecuted from the circuit or district courts of the United States in the State of Georgia to the court of appeals of the fifth judicial circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Atlanta in pursuance of this Act: - Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

Act June 30, 1902, c. 1333, § 2, 32 Stat. 548.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the city of Atlanta or in such other places in the said fifth judicial circuit as said court may from time to time designate.

Act June 30, 1902, c. 1333, § 3, 32 Stat. 548.

**Amendment of previous provisions.**

Sec. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Act June 30, 1902, c. 1333, § 4, 32 Stat. 548.

**Expenses of clerk.**

Sec. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office, (one) the necessary expenses incurred by him in transporting from his office in New Orleans, Louisiana, to Atlanta, Georgia, and in transporting from Atlanta, Georgia, to New Orleans, Louisiana, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Atlanta, Georgia; (two) an allowance for

actual expenses not exceeding ten dollars per day, to cover travel and subsistence, for each day he may be required to be present at Atlanta, Georgia, on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Act June 30, 1902, c. 1833, § 5, 32 Stat. 548.

**ACT DEC. 18, 1902, c. 4.**

An Act Providing That the Circuit Court of Appeals of the Fifth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Fort Worth, in the State of Texas, on the First Monday in November in Each Year. (32 Stat. 756.)

**Additional term of court for fifth circuit.**

Be it enacted, &c., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

Act Dec. 18, 1902, c. 4, § 1, 32 Stat. 756.

This provision is not to prevent the court from holding other terms, by section 3 of the act, set forth below.

Additional terms at other places are provided for by Act June 30, 1902, c. 1833, set forth above, and Act Jan. 30, 1903, c. 335, set forth below.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this Act, be taken or prosecuted from the circuit or district courts of the United States in the State of Texas to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Fort Worth in pursuance of this Act: Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

Act Dec. 18, 1902, c. 4, § 2, 32 Stat. 756.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the city of Fort Worth or in such other places in the said fifth judicial district as said court may from time to time designate.

Act Dec. 18, 1902, c. 4, § 3, 32 Stat. 756.

**Amendment of previous provisions.**

Sec. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Act Dec. 18, 1902, c. 4, § 4, 32 Stat. 756.

**Expenses of clerk.**

Sec. 5. That the clerk of said court is authorized and permitted to



pay, out of the fees and emoluments of his office, (one) the expenses incurred by him in transporting from his office in New Orleans, Louisiana, to Fort Worth, Texas, and in transporting from Fort Worth, Texas, to New Orleans, Louisiana, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Fort Worth, Texas; (two) an allowance for actual expenses not exceeding ten dollars per day to cover travel and subsistence for each day he may be required to be present at Fort Worth, Texas, on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Act Dec. 18, 1902, c. 4, § 5, 32 Stat. 548.

**ACT JAN. 30, 1903, c. 335. [As amended 1904.]**

An Act Providing That the Circuit Court of Appeals of the Fifth Judicial Circuit of the United States Shall Hold at Least One Term of Said Court Annually in the City of Montgomery, in the State of Alabama, on the First Monday in September in Each Year. (32 Stat. 784.)

**Additional term of court for fifth circuit.**

Be it enacted, &c., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Montgomery, in the State of Alabama, on the third Monday in October in each year.

Act Jan. 30, 1903, c. 335, § 1, 32 Stat. 784. Act April 22, 1904, c. 1420, 33 Stat. 249.

The concluding words of this section, as originally enacted, "on the first Monday of September in each year," were stricken out, and the words, "on the third Monday in October in each year," inserted, by amendment by Act April 22, 1904, c. 1420, cited above.

This provision is not to prevent the court from holding other terms, by section 8 of the act, set forth below.

Additional terms at other places are provided for by Act June 30, 1902, c. 1833, and Act Dec. 18, 1902, c. 4, set forth above.

**Place of hearing appeals, writs of error, etc.**

Sec. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this Act, be taken or prosecuted from the circuit or district courts of the United States in the State of Alabama to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Montgomery in pursuance of this Act: Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

Act Jan. 30, 1903, c. 335, § 2, 32 Stat. 784.

**Other terms authorized.**

Sec. 3. That this Act shall not operate to prevent the said court from holding other terms in the city of Montgomery or in such other

places in the said fifth judicial circuit as said court may from time to time designate.

Act Jan. 30, 1903, c. 335, § 3, 32 Stat. 784.

**Amendment of previous provisions.**

Sec. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Act Jan. 30, 1903, c. 335, § 4, 32 Stat. 784.

**Expenses of clerk.**

Sec. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office (first) the expenses incurred by him in transporting from his office in New Orleans, Louisiana, to Montgomery, Alabama, and in transporting from Montgomery, Alabama, to New Orleans, Louisiana, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Montgomery, Alabama; (second) an allowance for actual expenses not exceeding ten dollars per day to cover travel and subsistence for each day he may be required to be present at Montgomery, Alabama, on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Act Jan. 30, 1903, c. 335, § 5, 32 Stat. 784.

**ACT MARCH 4, 1904, c. 395. [H. R. 10145.]**

An Act to Provide for Appeals, Writs of Error, and Other Appellate Proceedings from the Circuit and District Courts of Beaumont, in the Eastern District of Texas. (33 Stat. 59.)

**Place of hearing appeals, writs of error, etc.**

Be it enacted, &c., That all appeals, writs of error, and other appellate proceedings which may hereafter be taken or prosecuted from the circuit or district courts of the United States from the courts at Beaumont, Jefferson County, Texas, in the eastern judicial district of Texas, to the court of appeals of the fifth circuit shall be heard and disposed of by said court of appeals at the terms of court held in the city of New Orleans, in the State of Louisiana: Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules or in the opinion of the court are entitled to be brought to a speedy hearing.

Act March 4, 1904, c. 395, 33 Stat. 59.

**ACT MARCH 3, 1905, c. 1479, § 12. [H. R. 17474.]**

**Appeals and writs of error from court of appeals in Indian Territory to circuit court of appeals for eighth circuit.**

That hereafter all appeals and writs of error shall be taken from the United States courts in the Indian Territory to the United States

court of appeals in the Indian Territory, and from the United States court of appeals in the Indian Territory to the United States circuit court of appeals for the eighth circuit in the same manner as is now provided for in cases taken by appeal or writ of error from the circuit courts of the United States to the circuit court of appeals of the United States for the eighth circuit.

Act March 3, 1905, c. 1479, § 12, 33 Stat. 1081.

This section is part of the Indian appropriation act for the fiscal year ending June 30, 1906, cited above.

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## CHAPTER NINE.

### Supreme Court—Organization.

#### Sec. 676.

##### **Salaries of judges.**

The salary of the Chief Justice of the Supreme Court is \$13,000 a year, and that of each of the associate justices \$12,500 a year, by provisions of Act Feb. 12, 1903, c. 547, set forth post, under chapter 12 of this Title.

The usual annual appropriation for a stenographic clerk for the Chief Justice and for each of the associate justices, mentioned in the note under this section in Comp. St. 1901, p. 558, is repeated, in the language there set forth, in the legislative, executive, and judicial appropriation acts for subsequent years. The appropriation for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 686.

#### Sec. 683.

##### **Distribution of the Supreme Court reports.**

Further provisions for distribution of the reports of the Supreme Court to various officers and courts, in addition to those named in this section and those provided for by Act Feb. 12, 1889, c. 135, set forth in Comp. St. 1901, pp. 561-563, are contained in Act July 1, 1902, c. 1355, set forth below.

##### **ACT JULY 1, 1902, c. 1355.**

An Act for the Further Distribution of the Reports of the Supreme Court, and for Other Purposes. (32 Stat. 630.)

##### **Further distribution of the Supreme Court Reports to officers of United States, judges, etc.**

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each of the following-named officers of the United States, additional to those named in section six hundred and eighty-three of the Revised Statutes, namely: Each assistant Attorney-General; the Solicitor of the Department of State; the Comptroller of the Currency; the Judge-Advocate-General, Navy Department; the Interstate Commerce Commission; the clerk of the Supreme Court of the United States; the marshal of the Supreme Court of the United States, and the attorney for the

District of Columbia, one copy of each volume of the Official Reports of the Supreme Court of the United States, including those already published and those hereafter to be published, or a reprint of the same, or so many of said volumes as with those already in the possession of any of those officers will make a complete set; and he shall also distribute of the same reports to the law library of the Department of the Interior and the library of the Department of Justice each two sets, and to the marshal of said court, as custodian of public property used by same, three copies of said reports hereafter printed, for use in the conference room, the robing room, and the court room of said court for the use of the justices thereof, and to each United States circuit and district judge and to each judge of the court of appeals of the District of Columbia who has not already been supplied, one set; and he shall also distribute to each additional United States judge hereafter appointed one complete set of said reports, which shall in all cases be transmitted to their successors in office, and to the Secretary of the Senate for the use of the committees of the Senate ten complete sets of said reports, and to the Clerk of the House of Representatives, to be distributed to and for the use of the committees of said House, ten complete sets of said reports.

Act July 1, 1902, c. 1355, § 2, 32 Stat. 630.

Rev. St. § 683, mentioned in this section, is set forth in Comp. St. 1901, p. 561.

**Further distribution of the Supreme Court Reports to circuit and district courts, Naval Academy, Military Academy, military headquarters, etc.**

Sec. 2. That the Secretary of the Interior shall likewise distribute to each of the places where circuit and district courts of the United States are now holden, including the Indian Territory, islands of Hawaii and Porto Rico, to which they have not already been supplied under the provisions of the Act of Congress approved February twelfth, eighteen hundred and eighty-nine, and to the Naval Academy at Annapolis and to the Military Academy at West Point, one complete set of the Reports of the Supreme Court, including those already published and those hereafter to be published, or a reprint of the same, or such volumes as with those already furnished will make one complete set, the judges holding such courts to select the edition of such reports to be supplied for such courts; and he shall also distribute to the Secretary of War twelve complete sets for the use of the proper courts and offices of the Philippine Islands and of the headquarters of military departments in the United States, in his discretion, and to each and every place where a new circuit and district court may be hereafter established one complete set of said reports; and the clerks of said courts shall, in all cases, keep these reports for the use of the courts and the officers thereof: Provided, however, That no distribution of reports under this section shall be made to any place where the court is not held in a building owned by the United States, or where there is no United States officer to whose responsible custody they can be committed.

Act July 1, 1902, c. 1355, § 1, 32 Stat. 630.

Act Feb. 12, 1889, c. 135, mentioned in this section, is set forth in Comp. St. 1901, pp. 562, 563.

**Delivery of additional copies of Supreme Court Reports by publishers.**

Sec. 3. That, beginning with volume one hundred and eighty-three, the publishers of the decisions of the Supreme Court shall deliver to the Secretary of the Interior, in addition to the number heretofore supplied by law, one hundred and four copies of each and every volume of such decisions, and they shall also deliver the seventy-six additional copies provided for in the Act of February twelfth, eighteen hundred and eighty-nine, heretofore delivered by the reporter of the Supreme Court, twenty-five copies of which shall be deposited in the law library of the Supreme Court.

Act July 1, 1902, c. 1355, § 3, 32 Stat. 631.

The reporter of the decisions of the Supreme Court is required to deliver to the Secretary of the Interior 300 copies of the volumes of the reports, by Rev. St. § 681, Comp. St. 1901, p. 560. Act Feb. 12, 1889, c. 135, § 2, mentioned in this section, which required the delivery of 76 additional copies by the reporter, is set forth in Comp. St. 1901, pp. 562, 563.

**Distribution of digest of Supreme Court Reports.**

Sec. 4. That the Secretary of the Interior shall likewise distribute to each United States judge to whom and to each place to which the Decisions of the Supreme Court are sent under the provisions of this Act or of prior laws, a copy of such digest now published, or in course of publication, of the Supreme Court Reports in four volumes covering the decisions of said court to the end of the October Term, eighteen hundred and ninety-eight, or a later period, and to cost not more than twenty-six dollars, as the several Judges and officials shall select respectively.

Act July 1, 1902, c. 1355, § 4, 32 Stat. 631.

**Distribution of copies of Revised Statutes and Supplements thereto to Senators and Representatives.**

Sec. 5. That the Secretary of the Interior shall, at the beginning of the first session of each Congress, distribute to each Senator and Representative in such Congress who may in writing apply for the same, one copy of the Revised Statutes of the United States and the supplements thereto: Provided, That such applicant shall certify in his written application for the same that the volumes for which he applies are intended for his personal use exclusively: And provided further, That no Senator or Representative during his term of service shall receive more than one copy of such Revised Statutes and supplements thereto.

Act July 1, 1902, c. 1355, § 5, 32 Stat. 631.

**Appropriation; price for reports and digest; annual estimates.**

Sec. 6. That such sum of money as is required to pay for the reports of the Supreme Court and for the digest, and for the Revised Statutes and supplements thereto, the delivery and distribution of which are provided for in this Act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated: Provided, That not to exceed two dollars per volume shall be paid for such reports and twenty-six dollars per set for such digest, the said moneys to be disbursed under the direction of the Secretary of the Interior, and the

Secretary of the Interior shall include in his annual estimates submitted to Congress an estimate for both the current volumes of reports and the additional sets of reports and digest, the distribution of which is provided for in this Act.

Act July 1, 1902, c. 1355, § 6, 32 Stat. 631.

The usual provision of the annual appropriation acts, mentioned in the note under Act Feb. 12, 1889, c. 135, in Comp. St. 1901, p. 563, that "the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order," is repeated in the sundry civil appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1906, is contained in Act March 3, 1905, c. 1483, § 1, 33 Stat. 1218.

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## CHAPTER ELEVEN.

### Supreme Court—Jurisdiction.

#### Sec. 702.

##### **Writs of error and appeals from Territorial courts.**

Jurisdiction to review final judgments and decrees of the supreme court of the Philippine Islands in certain cases is given to the Supreme Court by Act July 1, 1902, c. 1369, § 10, set forth below.

#### **ACT JULY 1, 1902, c. 1369, § 10.**

##### **Writs of error and appeals from Supreme Court of Philippine Islands.**

That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds twenty-five thousand dollars, or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand dollars, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

Act July 1, 1902, c. 1369, § 10, 32 Stat. 695.

This section is part of "an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," cited above.

## CHAPTER TWELVE.

### Provisions Common to More Than One Court or Judge.

#### Sec. 714.

**Judges resigning entitled, in certain cases, to salary for life.**

The amounts of the salaries to be paid to the judges of certain courts are prescribed by Act Feb. 12, 1903, c. 547, set forth below.

**ACT FEB. 12, 1903, c. 547.**

An Act to Fix the Salaries of Certain Judges of the United States.  
(32 Stat. 825.)

**Salaries of certain judges.**

Be it enacted, &c., That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided for by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of thirteen thousand dollars a year, and to each of the associate justices thereof the sum of twelve thousand five hundred dollars a year.

To each of the circuit judges the sum of seven thousand dollars a year.

To each of the district judges the sum of six thousand dollars a year.

To the chief justice of the Court of Claims the sum of six thousand five hundred dollars a year, and to each of the other judges thereof the sum of six thousand dollars a year.

\* \* [Part of act omitted relates to courts of the District of Columbia.]

That all of said salaries shall be paid in monthly installments.

\* \* [Part of act omitted relates to courts of the District of Columbia.]

Act Feb. 12, 1903, c. 547, 32 Stat. 825.

The portions of this act omitted here prescribe the amounts of the salaries of each of the justices of the court of appeals and of the supreme court of the District of Columbia, and provide for the payment of one half the amount thereof from the revenues of the District.

#### Sec. 715.

**Criers of the courts; attendants on juries.**

The pay of persons employed in any court under this section is increased to three dollars a day by Act March 3, 1905, c. 1487, set forth below.

The provisions of Act March 2, 1895, c. 189, that all persons employed under this section shall be deemed to be in actual attendance when they attend upon the order of the courts, and that no such person shall be employed during vacation, set forth following this section in Comp. St. 1901, p. 580, are repeated in the sundry civil appropriation acts for the

subsequent years, and in several deficiency appropriation acts. The provisions for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1483, § 1, 33 Stat. 1208.

The appropriation in these acts to which these provisos are annexed is "for pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York."

**ACT MARCH 3, 1905, c. 1487. [S. 2207.]**

An Act to Fix the Compensation of Criers and Bailiffs in the United States Courts. (33 Stat. 1259.)

**Compensation of criers and attendants.**

Be it enacted, &c., That on and after the passage of this Act the per diem pay of all persons employed in any court of the United States under section seven hundred and fifteen of the Revised Statutes, now fixed by law at two dollars a day, shall be three dollars a day.

Act March 3, 1905, c. 1487, 33 Stat. 1259.

Rev. St. § 715, mentioned in this act, is set forth in Comp. St. 1901, p. 579.

**Sec. 741.**

**Suits of a local nature in states containing several districts.**

The provision of this section that, in suits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, process against him may be directed to the marshal of the district in which he resides, may be regarded as superseded by the provisions applicable to such cases contained in Act March 3, 1875, c. 137, § 8, Comp. St. 1901, p. 513.

**Sec. 747.**

**Parties may manage their causes personally or by counsel.**

No amount in excess of one dollar is to be received from any attorney in connection with his admission to practice in a circuit or district court, by a provision of Act June 28, 1902, c. 1301, § 1, set forth post, under chapter 16 of this Title.

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## CHAPTER FOURTEEN.

### District Attorneys, Marshals, and Clerks.

**Sec. 770.**

**Salaries of district attorneys.**

The provision of this section relating to the salary of the district attorney for the southern district of New York, set forth in Comp. St. 1901, p. 600, being the only portion of the section not superseded by Act May 28, 1896, c. 252, § 7, Comp. St. 1901, p. 611, is superseded by the provision for the salary of said district attorney of Act March 3, 1905, c. 1483, § 1, set forth below. And district attorneys are not to receive fees



of office in addition to salary, by another provision of that act, set forth post, under chapter 16 of this Title.

The limitation of the compensation of assistant district attorneys to not exceeding \$2,500 per annum, by Act May 28, 1896, c. 252, § 8, Comp. St. 1901, p. 613, is not to apply to the first assistant district attorney for the northern district of Illinois, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below. Such limitation is also not to apply to the assistants of the United States district attorney for the southern district of New York, or for the District of Columbia, by a proviso annexed to section 24 of said Act May 28, 1896, c. 252, set forth in Comp. St. 1901, p. 618.

Annual appropriations for salaries of district attorneys and expenses of district attorneys and their regular assistants, and for payment of regular assistants to district attorneys, who are appointed by the Attorney General, at a fixed compensation, and also for assistants employed by the Attorney General to aid in special cases, are made separately by the sundry civil appropriation acts. These appropriations for the fiscal year ending June 30, 1906, are made by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207. A special provision of that act accompanying the appropriation for assistants employed in special cases, making it available for foreign counsel, is set forth in the note to Rev. St. § 363, ante, under Title VIII, "The Department of Justice."

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

**Salary of district attorney for southern district of New York.**

\* \* The District Attorney for the southern district of New York shall hereafter receive a salary of ten thousand dollars per annum.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

This is a provision accompanying appropriations for salaries and expenses of district attorneys in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. It supersedes the provision for a salary of \$6,000 to said district attorney contained in Rev. St. § 770, set forth in Comp. St. 1901, p. 600.

**Sec. 771.**

**Duties of district attorneys.**

District attorneys are required to prosecute suits by the United States for penalties for violations of the provisions of Act March 3, 1903, c. 1012, relating to importation of aliens under contract to labor, by section 5 of that act, post, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

District attorneys are required to prosecute persons violating the regulations prescribed by the Secretary of War for the use of canals authorized by Act Aug. 18, 1894, c. 299, § 4, Comp. St. 1901, p. 3525, and by Act June 13, 1902, c. 1079, § 11, post, under Title LXIII, "Rivers and Harbors," and the regulations prescribed for drawbridges authorized by Act Aug. 18, 1894, c. 299, § 5, Comp. St. 1901, p. 3538, by Act June 13, 1902, c. 1079, § 6, post, under Title LXIII, "Rivers and Harbors."

**Sec. 775.**

**Reports by district attorney to Department of Justice.**

District attorneys are required to report to the Attorney General the action taken by them against persons violating the regulations prescribed by the Secretary of War for the use of canals, drawbridges, etc., by Act June 13, 1902, c. 1079, § 6, post, under Title LXIII, "Rivers and Harbors."

**Sec. 787.****Duties of marshal.**

The marshal for the District of Columbia, and the other marshals in the various districts, are required to serve all processes issued by the commission to adjudicate claims against Spain, established by Act March 21, 1901, c. 800, Comp. St. 1901, p. 2795, to preserve order in the place of sitting of the Commission, and to execute the orders of the Commission, by Act June 30, 1902, c. 1337, amending section 4 of said Act March 2, 1901, c. 800, set forth post, under Title XLVII, "Foreign Relations."

**Sec. 793.****ACT MAY 28, 1896, c. 252, § 8.****Assistant district attorneys; expenses of district attorney and assistants; official residence.**

The provisions of this section limiting the compensation of assistant district attorneys to not exceeding \$2,500 per annum, do not apply to the first assistant district attorney for the northern district of Illinois, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

Annual appropriations for payment of regular assistants to district attorneys, who are appointed by the Attorney General, at a fixed compensation, and for their expenses, are made by the sundry civil appropriation acts. These appropriations for the fiscal year ending June 30, 1906, are made by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

Further appropriations are also made by the same acts for payment of assistants to district attorneys employed by the Attorney General to aid in special cases, as is authorized by Rev. St. §§ 363-366, Comp. St. 1901, pp. 208, 209. See note to Rev. St. § 363, ante, under Title VIII, "The Department of Justice."

A proviso annexed to the appropriation, in each of the recent sundry civil appropriation acts, for salaries of district attorneys and expenses of district attorneys and their regular assistants, makes the appropriation available for the payment of the salaries of regularly appointed clerks to district attorneys for services rendered during vacancy in the office of district attorney. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

**ACT MARCH 3, 1903, c. 1007, § 1.****Limitation of compensation not to apply to first assistant district attorney for northern district of Illinois.**

\* \* That the provisions of section eight of the legislative appropriation Act approved May twenty-sixth, eighteen hundred and ninety-six, limiting the compensation of United States assistant district attorney to not exceeding two thousand five hundred dollars per annum, shall not apply to the first assistant district attorney for the northern district of Illinois.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1141.

This is a proviso annexed to an appropriation for payment of assistants to district attorneys, in the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

## CHAPTER SIXTEEN.

**Fees.****FEES OF ATTORNEYS, SOLICITORS, AND PROCTORS.****Sec. 824.****Attorneys, solicitors, and proctors.**

The application of Rev. St. §§ 824-827, and of other provisions relating to fees of attorneys, to the compensation of district attorneys, was superseded, except as to the southern district of New York and the District of Columbia, as stated in the note to Rev. St. § 824 in Comp. St. 1901, p. 633, by the provisions of Act May 28, 1896, c. 252, §§ 6-8, 14-18, Comp. St. 1901, pp. 611-613, 617. Such application is entirely abrogated, except as to the District of Columbia, by the provision of Act March 3, 1905, c. 1483, § 1, set forth below, that district attorneys shall not receive fees in addition to salary. A further provision of the same act increasing the salary of the district attorney for the southern district of New York is set forth ante, under chapter 14 of this Title.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]****District attorneys not to receive fees of office in addition to salary.**

\* \* That in no case except in the District of Columbia shall United States District Attorneys hereafter receive fees of office in addition to the salary allowed them by law. \* \*

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

This is a proviso annexed to an appropriation for salaries of district attorneys and expenses of them and their regular assistants in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

**Sec. 825.****Fees in revenue cases, and in suits on official bonds.**

An annual appropriation for fees of the district attorney for the southern district of New York, under this section, is made by the sundry civil appropriation act, that for the fiscal year ending June 30, 1906, being by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1208. The application of the section to other district attorneys is superseded by the provisions for payment to them of salaries and other compensation, instead of fees, contained in Act May 28, 1896, c. 252, §§ 6-8, 14-18, set forth in Comp. St. 1901, pp. 611-613, 617. But the appropriation for the district attorney for the southern district of New York is continued in Act March 3, 1905, c. 1483, § 1, mentioned above, notwithstanding the provision of that act that district attorneys shall not receive fees of office in addition to salary, set forth above, and the further provision thereof increasing the salary of the district attorney for the southern district of New York, which is set forth ante, under chapter 14 of this Title.

**CLERKS' FEES.****Sec. 828.****Clerks' fees.**

No more than one dollar is to be received from any attorney in connection with his admission to practice in a circuit or district court, by a provision of Act June 28, 1902, c. 1301, § 1, set forth below.

**MARSHALS' FEES.****Sec. 829.****Marshals' fees.**

Annual appropriations for payment of salaries, fees, and expenses of marshals and their deputies are made by the sundry civil appropriation acts, to include payment for services rendered in behalf of the United States or otherwise, and advances to marshals from such appropriations are authorized. The appropriations for the fiscal year ending June 30, 1906, are made by Act March 3, 1905, c. 1483, § 1, 32 Stat. 1207.

**Sec. 833.****Semi-annual returns of fees by district attorneys, marshals, and clerks.**

The provisions of this section, so far as applicable to clerks of district courts and circuit courts, may be regarded as superseded by the similar provisions of Act June 28, 1902, c. 1301, § 1, set forth below.

Fees authorized to be paid to district attorneys and marshals are required, by Act May 28, 1896, c. 252, § 6, Comp. St. 1901, p. 611, to be paid to the clerk of the court having jurisdiction, and by him covered into the treasury of the United States; but this requirement does not apply to the office of the United States district attorney and his assistants for the southern district of New York or for the District of Columbia, by a proviso annexed to section 24 of said Act May 28, 1896, c. 252, set forth in Comp. St. 1901, p. 618. By a subsequent provision of Act March 3, 1905, c. 1483, § 1, set forth above, district attorneys are in no case, except in the District of Columbia, to receive fees of office in addition to salary.

**ACT JUNE 28, 1902, c. 1301, § 1.****Semi-annual returns of fees by clerks; naturalization fees; fees on admission of attorneys.**

\* \* That each clerk of the district and circuit courts shall, on the first days of January and July of each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, written returns for the half year ending on said days, respectively, of all fees and emoluments of his office of every name and character, and of all necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year; and the word "emoluments" shall be understood as including all amounts received in connection with the admission of attorneys to practice in the court, all amounts received for services in naturalization proceedings, whether rendered as clerk, as commissioner, or in any other capacity, and all other amounts received for services in any way connected with the clerk's office: Provided further, That no amount in excess of one dollar shall be received from any attorney in connection with his admission to practice in a circuit or district court.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 475.

These are provisos annexed to an appropriation for clerks' fees in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. They may be regarded as superseding the provisions of Rev. St. § 833, in their application to clerks of the district and circuit courts.

Similar provisions for annual returns of fees and emoluments and for

the rendering and settlement of accounts by the clerk of the Supreme Court and the clerks of the circuit courts of appeals, contained in previous statutes, are set forth in Comp. St. 1901, pp. 651-652.

Fees received by clerks for naturalization are required to be paid over by a provision of Act March 15, 1898, c. 68, § 8, set forth in Comp. St. 1901, p. 651.

### Sec. 836.

**Sum to be paid to district attorney of southern district of New York for office expenses.**

The salary of the district attorney for the southern district of New York is increased from the rate of \$6,000 a year, mentioned in this section, as set forth in Comp. St. 1901, p. 644, to \$10,000, by a provision of Act March 3, 1905, c. 1483, § 1, set forth ante, under chapter 14 of this Title; and the reference in this section to "the costs and fees allowed him by law" is also affected by the provision of the same act, set forth above, that district attorneys are in no case, except in the District of Columbia, to receive fees of office in addition to salary. Previous provisions for compensation of district attorneys by salaries instead of fees, contained in Act May 28, 1896, c. 252, §§ 6-18, 14-18, Comp. St. 1901, pp. 611-613, 617, did not apply to the district attorney for the southern district of New York, by a proviso in section 24 of that act, Comp. St. 1901, p. 618.

### Sec. 837.

**District attorney and marshal in Oregon and Nevada.**

The application of this section to the compensation of the district attorneys and marshals for the districts of Oregon and Nevada is superseded by the provisions for payment to them of salaries and other compensation, in lieu of the salaries, fees, per centums, and other compensation previously allowed, contained in Act May 28, 1896, c. 252, §§ 6-18, set forth in Comp. St. 1901, pp. 611-617. By section 7 of that act, the salary of the district attorney for the district of Nevada is \$3,000, and for the district of Oregon \$4,500; and by section 9 the salary of the marshal for the district of Nevada is \$2,500, and for the district of Oregon \$4,000.

The provision of the section for double fees to the district attorneys and marshals named was extended to the territories of New Mexico and Arizona, and made applicable to the fees of all officers in those territories. A subsequent provision, of Act July 2, 1890, c. 650, 26 Stat. 212, allowed the district attorneys and marshals to retain of their fees and emoluments such sum as necessary to make their whole compensation including salary \$6,000 per year each; but this was superseded by the provisions for payment to them of salaries, etc., contained in Act May 28, 1896, c. 252, §§ 6-18, mentioned above. By sections 7 and 9 of that act, the salary of the district attorney and of the marshal for each territory is \$4,000.

### Sec. 846. [*As amended 1875.*]

**Accounts of district attorneys, etc., to be certified to by district judge.**

The usual annual appropriation for investigation of official acts, records, and accounts of officers, mentioned in the note under this section in Comp. St. 1901, p. 648, is repeated in the sundry civil appropriation acts for the fiscal years ending June 30, 1903, and June 30, 1904, Act June 28, 1902, c. 1301, § 1, 32 Stat. 474, and Act March 3, 1903, c. 1007, § 1, 32 Stat. 1140.

**WITNESSES' FEES.****Sec. 848.****Witnesses' fees.**

Fees and mileage of witnesses on hearings before registers and receivers of land offices are provided for by Act Jan. 31, 1903, c. 344, set forth post, under Title XXXII, "The Public Lands," c. 2.

**JURORS' FEES.****Sec. 852.****Fees of grand and petit jurors.**

The per diem compensation of jurors is three dollars a day, by Act June 21, 1902, c. 1138, set forth below.

**ACT JUNE 30, 1879, c. 52, § 2.**

[Superseded. Act June 21, 1902, c. 1138.]

This provision, fixing the per diem pay of jurors at two dollars, is superseded by Act June 21, 1902, c. 1138, set forth below.

**ACT JUNE 21, 1902, c. 1138.**

An Act to Fix the Fees of Jurors in the United States Courts.  
(32 Stat. 396.)

**Per diem compensation of grand and petit jurors.**

Be it enacted, &c., That on and after the passage of this Act the per diem pay of each juror, grand or petit, in any court of the United States, shall be three dollars a day instead of two dollars a day as now provided by law

Act June 21, 1902, c. 1138, 32 Stat. 396.

The provision referred to in this act as fixing the per diem pay of jurors at two dollars is Act June 30, 1879, c. 52, § 2, Comp. St. 1901, p. 658.

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**CHAPTER SEVENTEEN.****Evidence.****Sec. 863.****Depositions de bene esse.**

Provisions for taking depositions of witnesses in hearings before registers and receivers of land offices are contained in Act Jan. 31, 1903, c. 344, §§ 4, 5, set forth post, under Title XXXII, "The Public Lands," c. 2.

**Sec. 877.****Witnesses; form of subpoena; attendance under.**

Provisions relating to subpoenas to witnesses in hearings before registers and receivers of land offices are contained in Act Jan. 31, 1903, c. 344, post, under Title XXXII, "The Public Lands," c. 2.

## Sec. 891.

### **Copies of records, etc., of General Land Office.**

Provisions, similar to those of Rev. St. § 891, Comp. St. 1901, p. 672, for certification of patents, and records, etc., in the General Land Office by the Recorder, as well as by the Commissioner, as provided by this section, are contained in Act April 19, 1904, c. 1396, set forth below.

The transmission and authentication, for use as evidence in the courts, of original papers on file in the General Land Office, is provided for by Act April 19, 1904, c. 1398, set forth ante, under Title XI, "The Department of the Interior," c. 3.

Registers and receivers of land offices are authorized to furnish transcripts of records in their offices for individuals, and such transcripts, when duly certified, are made admissible as evidence by Act March 22, 1904, c. 748, set forth post, under Title XXXII, "The Public Lands," c. 2.

### **ACT APRIL 19, 1904, c. 1396. [H. R. 1924.]**

An Act Authorizing the Recorder of the General Land Office to Issue Certified Copies of Patents, Records, Books, and Papers. (33 Stat. 185.)

### **Copies of patents and records, etc., of General Land Office.**

Be it enacted, &c., That copies of any patents, records, books, or papers in the General Land Office authenticated by the seal and certified by the recorder of such Office shall be evidence equally with the originals thereof to the same force and effect as when certified by the Commissioner of said Office.

Act April 19, 1904, c. 1396, 33 Stat. 185.

## Sec. 892.

### **Copies of records, etc., of Patent Office.**

Provisions similar to those of Rev. St. § 892, Comp. St. 1901, p. 673, relating to copies of records, etc., relating to trade-marks, belonging to the Patent Office, and of certificates of registration of trade-marks, providing for their authentication for use as evidence, are contained in Act Feb. 20, 1905, c. 592, § 11, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2.

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## CHAPTER EIGHTEEN.

### **Procedure.**

#### **CRIMINAL PROCEDURE.**

## Sec. 1014.

### **Offenders against the United States, how arrested and removed for trial.**

The provisions of this section are to apply for the removal of fugitives charged with crime against the United States, to or from the Philippine Islands, by Act Feb. 9, 1903, c. 529, set forth below.

**ACT FEB. 9, 1903, c. 529.**

An Act to Provide for the Removal of Persons Accused of Crime to and from the Philippine Islands for Trial. (32 Stat. 806.)

**Offenders against the United States, removal to or from Philippine Islands.**

Be it enacted, &c., That the provisions of section ten hundred and fourteen of the Revised Statutes, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Philippine Islands of any fugitive from justice charged with the commission of any crime or offense against the United States within the Philippine Islands, and shall apply within the Philippine Islands for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Philippine Islands, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant.

Act Feb. 9, 1903, c. 529, 32 Stat. 806.

Rev. St. § 1014, mentioned in this act, is set forth in Comp. St. 1901, p. 716.

The provisions of Rev. St. §§ 5409, 5410, Comp. St. 1901, pp. 3658; 3659, which make punishable voluntarily suffering a prisoner, in custody by virtue of process under the laws of the United States, to escape, are made applicable to proceedings under this act by Act Feb. 6, 1905, c. 454, c. 2, set forth post, under Title LXVI, "Extradition."

Sec. 2. [Relates to application of Rev. St. §§ 5278, 5279, to Philippine Islands.]

This section makes the provisions of Rev. St. §§ 5278, 5279, which relate to extradition of fugitives from justice of a State or Territory, applicable to the Philippine Islands, which are to be deemed a Territory within the meaning of those provisions. It is set forth post, under Title LXVI, "Extradition."

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## CHAPTER TWENTY.

### The Court of Claims—Organization and Sessions.

#### Sec. 1049.

##### Judges.

The salary of the chief justice of the Court of Claims is \$8,500 a year, and of each of the other judges thereof \$6,000 a year, by Act Feb. 12, 1903, c. 547, set forth ante, under chapter 12 of this Title.



## CHAPTER TWENTY-ONE.

### The Court of Claims—Jurisdiction, Powers, and Procedure.

#### Sec. 1059.

##### **Jurisdiction.**

Jurisdiction is conferred upon the Court of Claims of all claims against the United States arising out of the payment of customs duties to the military authorities in the island of Porto Rico upon articles imported from the several States, from April 11, 1899, to May 1, 1900, and the court is empowered and directed to enter judgment against the United States, for the amounts of such duties paid, with interest, and on the certification of such judgments payment thereof is authorized, by Act April 29, 1902, c. 640, post, under Title XXXIII, "Duties upon Imports."

#### Sec. 1089.

##### **Payment of judgments.**

Payment of final judgments and awards rendered against the United States, under appropriations by Congress, are to be made on settlements by the Auditors of the Treasury, by a provision of Act Feb. 18, 1904, c. 160, § 1, set forth below.

**ACT FEB. 18, 1904, c. 160, § 1. [H. R. 10954.]**

##### **Payment of judgments to be made on settlements by Auditors.**

And hereafter in all cases of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts of the United States, payment thereof under appropriations made by Congress shall be made on settlements by the auditor for the department or branch of the public service having jurisdiction over the subject-matter out of which the claims arose.

Act Feb. 18, 1904, c. 160, § 1, 33 Stat. 41.

This is a provision, following appropriations for payment of judgments of the Court of Claims, in the urgent deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

#### [FRENCH SPOILIATION CLAIMS.]

**ACT MARCH 3, 1899, c. 426, § 1.**

##### **Awards to next of kin of persons adjudicated bankrupts; certificate by court that personal representative represents next of kin.**

The provision of this act set forth in Comp. St. 1901, p. 751, is repeated in the similar act for the year next following, Act May 27, 1902, c. 887, 32 Stat. 218.

## [SUITS AGAINST THE UNITED STATES.]

**ACT MARCH 3, 1887, c. 359, § 10.****Judgments adverse to United States.**

Payment of final judgments rendered against the United States, under appropriations by Congress, are to be made on settlements by the Auditors of the Treasury, by a provision of Act Feb. 18, 1904, c. 160, § 1, set forth above.

## [INDIAN DEPREDAATION CLAIMS.]

**ACT MARCH 3, 1891, c. 538, § 6.****Judgments to be charged against Indian tribes; payment.**

Appropriations for payment of judgments rendered by the Court of Claims in Indian depredation cases are accompanied by provisions that said judgments are to be paid after the deductions required by this section "shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this Act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service." The provision in this language for the fiscal year ending June 30, 1905, is made by the deficiency appropriation act for that year, Act March 3, 1905, c. 1484, 33 Stat. 1250.

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**[CHAPTER TWENTY-ONE A.]****[Court of Private Land Claims.]****ACT MARCH 3, 1891, c. 539, § 19.****Time when court shall cease.**

This section, set forth in Comp. St. 1901, p. 776, as amended by Act April 17, 1900, c. 192, so as to provide that the Court of Private Land Claims should cease on June 30, 1902, was again amended, by changing that date to June 30, 1903, by Act April 28, 1902, c. 594, § 1, 32 Stat. 170, and was finally amended, by changing that date to June 30, 1904, and providing for preference of cases pending in appellate courts and of surveys connected therewith, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below. From and after said last-mentioned date of June 30, 1904, all the powers of the court in the approval of surveys executed under its decrees of confirmation are conferred upon the Commissioner of the General Land Office by a provision of Act April 28, 1904, c. 1762, § 1, also set forth below.

**ACT MARCH 3, 1903, c. 1007, § 1.****Time when court shall cease further extended; preference of cases pending in appellate courts, and of surveys.**

That section nineteen of an Act entitled "An Act to establish a

Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, as amended in legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and one, approved April seventeenth, nineteen hundred, be, and the same is hereby, further amended to read as follows: "Sec. 19. That the powers and functions of the court established by this Act shall cease and determine on the thirtieth day of June, nineteen hundred and four, and all papers, files, and records in the possession of the said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior." Provided further, That all cases now or hereafter pending in the appellate courts from the Court of Private Land Claims and all surveys connected therewith shall be expedited and given preference so far as practicable.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1144.

These are provisos annexed to an appropriation for deputy clerks in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above.

Act March 3, 1891, c. 539, § 19, amended by this provision, is set forth, as previously amended by successive provisions extending the time when the court should cease, in Comp. St. 1901, p. 776. The time was again extended to June 30, 1903, by a further amendment by Act April 28, 1902, c. 594, § 1, 32 Stat. 170, and finally, by this act, to June 30, 1904.

After June 30, 1904, all the powers of the court in the approval of surveys executed under its decrees of confirmation are conferred upon the Commissioner of the General Land Office by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

**ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

**Powers of court in approval of surveys conferred on Commissioner of General Land Office.**

That all the powers now exercised by the Court of Private Land Claims in the approval of surveys executed under its decrees of confirmation shall be conferred upon and exercised by the Commissioner of the General Land Office from and after the thirtieth day of June, nineteen hundred and four.

Act April 28, 1904, c. 1762, § 1, 38 Stat. 485.

This is a provision, following an appropriation for survey of private land claims confirmed by the court, in the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above. The court ceased on June 30, 1904, pursuant to the provision of Act March 3, 1903, c. 1007, § 1, set forth above.

# TITLE XIV.

## THE ARMY.

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### CHAPTER ONE.

#### Organization.

##### Sec. 1094.

**ACT FEB. 2, 1901, c. 192, §§ 1, 6, 12, 13, 18, 21, 22, 23, 24, 26, 28, 36, 37, 41.**

##### Composition of the Army.

In addition to the various staff departments and corps of the Army, as constituted by Act Feb. 2, 1901, c. 192, § 1, set forth in Comp. St. 1901, p. 784, a General Staff Corps, composed of officers detailed from the Army at large, is established by Act Feb. 14, 1903, c. 553, set forth below.

The Adjutant-General's Department, included by said Act Feb. 2, 1901, c. 192, § 1, in the composition of the Army, and the officers thereof, except the Adjutant-General, are consolidated with the Record and Pension Office and the officers thereof, to constitute a Military Secretary's Department of the Army and a Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth below.

##### Composition of Artillery Corps.

The Chief of Artillery, in the Artillery Corps the composition of which is prescribed by Act Feb. 2, 1901, c. 192, § 6, set forth in Comp. St. 1901, p. 786, is to serve as an additional member of the General Staff, and, by and with the advice and consent of the Senate, is to have the rank, pay, and allowances of a brigadier-general, by Act Feb. 14, 1903, c. 553, § 5, set forth below.

The next vacancy occurring in the office of colonel of artillery is not to be filled, and thereafter the number of colonels of artillery shall not exceed thirteen, by Act Feb. 14, 1903, c. 553, § 5, as amended by Act March 8, 1903, c. 905, set forth below.

Twenty-five master electricians are added to the Artillery Corps, by a provision of Act March 2, 1903, c. 975, set forth below.

##### Chaplains.

Provisions relating to promotions and rank of chaplains, previously provided for by Act Feb. 2, 1901, c. 192, § 12, Comp. St. 1901, p. 788, are contained in Act April 21, 1904, c. 1404, set forth below.

##### Adjutant-General's Department.

The Adjutant-General's Department, the organization of which was prescribed by Act Feb. 2, 1901, c. 192, § 13, set forth in Comp. St. 1901, p. 789, and the officers thereof, except the Adjutant-General, are consolidated with the Record and Pension Office and the officers thereof, to constitute the Military Secretary's Department of the Army and the Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth below.

When the office of Adjutant-General shall become vacant, the vacancy

so created on the active list of the Army is not to be filled, by a proviso contained in said Act April 23, 1904, c. 1485, set forth below.

The titles of the offices of Assistant Adjutant-General and of Assistant Chief of the Record and Pension Office are changed to Military Secretary, by provisions of Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth below.

Various other provisions relating to appointments, promotions, rank, details, etc., of officers in the consolidated department so constituted, and in the Military Secretary's Office as a bureau of the War Department, are contained in Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth below.

#### **Medical Department.**

Contract surgeons and contract dental surgeons, whose appointment is provided for by Act Feb. 2, 1901, c. 1485, § 18, set forth in Comp. St. 1901, p. 793, are authorized to transfer or assign their pay accounts, by a provision of Act April 23, 1904, c. 1485, set forth post, under chapter 3 of this Title.

Contract surgeons in charge of hospitals have the same authority as commissioned medical officers, by a further provision of said Act April 23, 1904, c. 1485, set forth below.

#### **Pay Department.**

In connection with provisions relating to accounts of officers of the Pay Department, organized as prescribed by Act Feb. 2, 1901, c. 192, § 21, set forth in Comp. St. 1901, p. 796, the assignment to duty in the office of the Paymaster-General of five paymasters' clerks is authorized by a provision of Act March 2, 1905, c. 1307, set forth below.

#### **Composition of Corps of Engineers.**

Act Feb. 2, 1901, c. 192, § 22, set forth in Comp. St. 1901, p. 797, prescribing the composition of the Corps of Engineers, is amended by a provision of Act April 23, 1904, c. 1485, set forth below, to read as there set forth.

#### **Ordnance Department.**

Details for service to the grade of first lieutenant in the Ordnance Department, constituted as prescribed by Act Feb. 2, 1901, § 23, set forth in Comp. St. 1901, p. 797, may be made, from the Army at large, from the grade of first or second lieutenant, by a provision of Act March 2, 1903, c. 975, set forth below.

#### **Signal Corps.**

To the Signal Corps, constituted as prescribed by Act Feb. 2, 1901, c. 192, § 24, set forth in Comp. St. 1901, p. 798, there are added one lieutenant colonel, two majors, four captains, and four first lieutenants, by a provision of Act March 2, 1903, c. 975, set forth below.

The appointment by the President of an officer of the Signal Corps, as chief of the telegraph and cipher bureau of the Executive Office, is authorized by a provision of Act March 2, 1903, c. 975, set forth below.

Second-class privates of the Signal Corps are designated as privates, by a provision of Act June 30, 1902, c. 1328, set forth below.

The enlisted force of the Signal Corps is enlarged by appropriations for increased numbers of noncommissioned officers and men, in Act April 23, 1904, c. 1485, set forth below, which are repeated in Act March 2, 1905, c. 1307, 33 Stat. 829. A previous provision for a temporary addition to the corps of fifty first-class sergeants for service in the Philippine Islands and Alaska was contained in Act June 30, 1902, c. 1328, 32 Stat. 509.

#### **Appointments, promotions, and vacancies in staff, and details thereto from line.**

No officer detailed or appointed under Act Feb. 2, 1901, c. 192, § 26, set forth in Comp. St. 1901, p. 799, who has less than four years to

serve from the date of his detail or appointment to the date of his retirement, shall serve under such detail or appointment beyond the date of his retirement, by a provision of Act June 30, 1902, c. 1328, set forth below.

Details for service to the grade of first lieutenant in the Ordnance Department, under this act, may be made, from the Army at large, from the grade of first or second lieutenant, by a provision of Act March 2, 1903, c. 975, set forth below.

A General Staff Corps, composed of officers detailed from the Army at large, is established by Act Feb. 14, 1903, c. 553, set forth below.

Provisions relating to promotions and rank of chaplains are contained in Act April 21, 1904, c. 1404, set forth below.

Provisions relating to appointments, promotions, rank, vacancies, etc., in the Military Secretary's Department of the Army, constituted by consolidating the Adjutant-General's Department and the officers thereof, except the Adjutant-General, and the Record and Pension Office and the officers thereof, are contained in Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth below.

**Vacancies in grades of field officers and captain; appointment and rank of first and second lieutenants.**

The same credit for prior commissioned service as is allowed to a lieutenant of volunteers appointed under Act Feb. 2, 1901, c. 192, § 28, set forth in Comp. St. 1901, p. 801, is to be allowed to a second lieutenant of the Marine Corps appointed second lieutenant of artillery since Feb. 2, 1901, by Act Dec. 20, 1904, c. 20, set forth post, in this chapter, under subchapter "General Provisions of Organization."

**Enlistment of natives of Philippine Islands; organization as scouts or as troops or companies; officers.**

Annual appropriations for the Philippine scouts authorized by Act Feb. 2, 1901, c. 192, § 36, set forth in Comp. St. 1901, p. 803, are made in Army appropriation acts. The appropriation for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 832.

**Provisional regiment for service in Porto Rico.**

The provisions of Act Feb. 2, 1901, c. 192, § 37, set forth in Comp. St. 1901, p. 804, for a provisional regiment for service in Porto Rico, and subsequent provisions relating to the composition of the regiment, contained in Act March 3, 1903, c. 975, 32 Stat. 934, are superseded by the provisions for a Porto Rico provisional regiment of infantry contained in Act April 23, 1904, c. 1485, set forth below.

**Badges of military societies.**

Provisions similar to those of Act Feb. 2, 1901, c. 192, § 41, set forth in Comp. St. 1901, p. 805, relating to badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of 1900, are contained in Res. Jan. 12, 1903, No. 2, set forth below.

**ACT JUNE 30, 1902, c. 1328.**

**Signal Corps; designation of privates.**

\* \* That hereafter second-class privates of the Signal Corps shall be designated as privates, with the same pay and allowances as now allowed by law to second-class privates: \* \*

Act June 30, 1902, c. 1328, 32 Stat. 509.

This is a proviso annexed to appropriations for the Signal Corps in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. The composition of the Signal Corps is prescribed by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798.

A further proviso of the same act authorized a temporary addition to

the corps of fifty first-class sergeants for service in the Philippine Islands and Alaska.

Subsequent appropriations for a larger enlisted force than the numbers prescribed by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798, contained in Act April 23, 1904, c. 1485, are set forth below.

**Time of service of officers detailed or appointed to staff.**

\* \* That no officer hereafter detailed or appointed under the provisions of section twenty-six of the Act of February second, nineteen hundred and one, who has less than four years to serve from the date of his detail or appointment to the date of his retirement shall serve under such detail or appointment or be paid as if on the active list beyond the date of his retirement.

Act June 30, 1902, c. 1328, 32 Stat. 509.

This is a proviso annexed to an appropriation for pay of the staff in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. Act Feb. 2, 1901, c. 192, § 26, mentioned in this provision, is set forth in Comp. St. 1901, p. 799.

**RES. JAN. 12, 1903, No. 2.**

Joint Resolution Relating to Military Badges. (32 Stat. 1229.)

**Badges of military societies of men who served during Chinese relief expedition.**

Resolved, &c., That the distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of nineteen hundred may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organization in their own right.

Res. Jan. 12, 1903, No. 2, 32 Stat. 1229.

A previous similar provision relating to badges of societies of men who served during the Spanish-American War and the incident insurrection in the Philippines is contained in Act Feb. 2, 1901, c. 192, § 41, Comp. St. 1901, p. 805.

**ACT FEB. 14, 1903, c. 553. [As amended 1903.]**

An Act to Increase the Efficiency of the Army. (32 Stat. 830.)

**General Staff Corps established.**

Be it enacted, &c., That there is hereby established a General Staff Corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.

Act Feb. 14, 1903, c. 553, § 1, 32 Stat. 830.

**Duties of General Staff Corps.**

Sec. 2. That the duties of the General Staff Corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and co-

ordinating the action of all the different officers who are subject under the terms of this Act to the supervision of the Chief of Staff; and to perform such other military duties not otherwise assigned by law as may be from time to time prescribed by the President.

Act Feb. 14, 1903, c. 553, § 2, 32 Stat. 831.

The duties of the Chief of Staff are prescribed by section 4 of this act, set forth below.

**Composition of General Staff Corps.**

Sec. 3. That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general; four colonels, six lieutenant-colonels, and twelve majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; twenty captains, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps, officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war.

Act Feb. 14, 1903, c. 553, § 3, 32 Stat. 831.

The Chief of Artillery is to serve as an additional member of the General Staff, by section 5 of this act, set forth below.

Similar provisions for detail of officers from the line of the Army for service in the various staff corps and departments are contained in Act Feb. 2, 1901, c. 192, § 26, Comp. St. 1901, p. 799.

Provisions relating to clerks and other civilian employés in the office of the General Staff, and forbidding details, etc., of clerks or other employés to or from the War Department, contained in Act Feb. 3, 1905, c. 297, § 1, and Act March 2, 1905, c. 1307, are set forth below.

**Duties of Chief of Staff; acts authorizing aids-de-camp and military secretaries not to apply.**

Sec. 4. That the Chief of Staff, under the direction of the President or of the Secretary of War, under the direction of the President, shall have supervision of all troops of the line and of the Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the Chief of Staff or other officer designated by the President. Acts and parts of Acts authorizing aids-de-camp and mil-



itary secretaries shall not apply to general officers of the General Staff Corps.

Act Feb. 14, 1903, c. 553, § 4, 32 Stat. 831.

The Adjutant-General's Department, placed by this section under the supervision of the Chief of Staff, with its officers, except the Adjutant-General, is consolidated with the Record and Pension Office and its officers to form the Military Secretary's Department of the Army and the Military Secretary's Office of the War Department, by a provision of Act April 23, 1904, c. 1485, set forth below; and, by a proviso annexed thereto, the officers of the consolidated department are subject to the supervision of the Chief of Staff in matters prescribed therein.

The annual appropriations made in the Army appropriation acts for pay to clerks and messengers at department headquarters and at headquarters of the Army include, since the establishment of the General Staff Corps, appropriations for clerks, etc., at the office of the Chief of Staff. In the Army appropriation act for the fiscal year ending June 30, 1906, Act March 2, 1905, c. 1307, 33 Stat. 829, these appropriations are under the head "Pay to clerks, messengers, and laborers at headquarters of divisions and departments and office of the Chief of Staff," and provide for "one chief clerk, at the office of the Chief of Staff," and other clerks, messengers, and laborers. Further provisions of that act accompanying these appropriations are set forth below.

**Chief of Artillery an additional member of General Staff; number of colonels of Artillery; time of taking effect of act.**

Sec. 5. That the Chief of Artillery shall hereafter serve as an additional member of the General Staff, and by and with the advice and consent of the Senate shall have the rank, pay, and allowances of a brigadier-general, and when the next vacancy occurs in the office of colonel of artillery it shall not be filled, and thereafter the number of colonels of artillery shall not exceed thirteen; and the provisions of the foregoing sections of this Act shall take effect on August fifteenth, nineteen hundred and three.

Act Feb. 14, 1903, c. 553, § 5, 32 Stat. 831. Act March 3, 1903, c. 995, 32 Stat. 1021.

This section, as originally enacted, contained provisions that "when the next vacancy occurs in the office of brigadier-general of the line, it shall not be filled, and thereafter the number of brigadier-generals of the line, exclusive of the Chief of Artillery, shall not exceed fourteen." It is amended by a provision of Act March 3, 1903, c. 995, cited above, by substituting for the provisions quoted similar provisions relating to colonels of artillery, so as to read as set forth here.

**ACT MARCH 2, 1903, c. 975.**

**Artillery Corps; master electricians.**

\* \* That there shall be added to the Artillery Corps twenty-five master electricians, to be enlisted by the Secretary of War, after such examination as he may prescribe, who shall receive seventy-five dollars per month and the allowance of an ordnance sergeant, twenty-two thousand five hundred dollars.

Act March 2, 1903, c. 975, 32 Stat. 930.

This is a proviso annexed to an appropriation for "one hundred electrician sergeants, to be assigned for duty at such places as the Secretary of War may direct," at \$408 each, in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. One electrician sergeant to each coast artillery post having electrical appliances is included

in the composition of the Artillery Corps by Act Feb. 2, 1901, c. 192, § 6, Comp. St. 1901, p. 786.

**Signal Corps; additional officers; chief of telegraph and cipher bureau of Executive Office.**

\* \* There shall be added to the Signal Corps of the Army, as now authorized by law, one lieutenant-colonel, two majors, four captains, and four first lieutenants: Provided further, That the vacancies thus created or caused shall be filled first by the promotion of officers of the Signal Corps, according to seniority, and thereafter by details from the line of the Army: Provided further, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have, while so serving, the rank, pay, and allowances of a major.

Act March 2, 1903, c. 975, 32 Stat. 932.

These are provisos annexed to appropriations for pay of officers of the Signal Corps in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The composition of the Signal Corps is prescribed by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798. An increased enlisted force is provided for by appropriations in Act April 23, 1904, c. 1485, set forth below.

**Porto Rico provisional regiment; enlistment of citizens in Regular Army, and service of regiment outside Island.**

\* \* That citizens of Porto Rico shall be eligible for enlistment in the Regular Army and the Porto Rico Regiment may be ordered for service outside of the island of Porto Rico: \* \*

Act March 2, 1903, c. 975, 32 Stat. 934.

This is a proviso annexed to appropriations for pay of officers of the line and of enlisted men of the Porto Rico provisional regiment, "composed of two battalions of four companies each," in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The composition of the regiment, "not exceeding three battalions of infantry," was prescribed by Act Feb. 2, 1901, c. 192, § 37, Comp. St. 1901, p. 804. But these provisions relating to the composition of the regiment, and further provisos of a temporary nature contained in Act March 2, 1903, c. 975, cited above, are superseded by the provisions for a Porto Rico provisional regiment of infantry contained in Act April 23, 1904, c. 1485, set forth below.

**Ordnance Department; details thereto from Army at large, from grade of first or second lieutenant.**

And hereafter details for service to the grade of first lieutenant in the Ordnance Department under the provisions of the Act of February second, nineteen hundred and one, may be made, from the Army at large, from the grade of first or second lieutenant, and officers so detailed shall, while so serving, receive the pay of first lieutenant: Provided, That no officer shall be so detailed except upon such examination as may be prescribed by the Secretary of War: \* \*

Act March 2, 1903, c. 975, 32 Stat. 942.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The composition of the Ordnance Department is prescribed by Act Feb. 2, 1901, c. 192, § 23, Comp. St. 1901, p. 797, and details thereto from the line are provided for by section 26 of that act, Comp. St. 1901, p. 799.

**ACT APRIL 21, 1904, c. 1404. [S. 2424.]**

An Act to Recognize and Promote the Efficiency of Army Chaplains.  
(33 Stat. 226.)

**Chaplains; promotions and rank.**

Be it enacted, &c., That hereafter the President may, from time to time, select from among the chaplains of the Army any chaplains having not less than ten years' service, in the grade of captain, who shall have been commended as worthy of special distinction for exceptional efficiency by the regimental or district commanders with whose commands they may be serving as chaplains, approved through regular military channels, and may, with the advice and consent of the Senate, promote such regimental or artillery chaplains to be chaplains with the grade, pay, and allowances of major; every such promotion being made with a view to active service until the statutory age for the compulsory relinquishment thereof, except in cases of physical disability incurred in the line of duty: Provided, That the total number in active service so promoted shall not at any time exceed fifteen, and that the remaining chaplains shall have the grade, pay, and allowances of captain, mounted, after they shall have completed seven years of service: And provided further, That all persons who may hereafter be appointed as chaplains shall have the grade, pay, and allowances of first lieutenant, mounted, until they shall have completed seven years of service.

Act April 21, 1904, c. 1404, § 1, 33 Stat. 226.

Previous provisions relating to chaplains are contained in Act Feb. 2, 1901, c. 192, § 12, Comp. St. 1901, p. 788.

**Official designation of chaplains.**

Sec. 2. That all officers provided for in this Act shall have a uniform designation in official address as chaplains of their respective regiments or of the Artillery Corps.

Act April 21, 1904, c. 1404, § 2, 33 Stat. 226.

**Effect of act as to existing chaplains.**

Sec. 3. That nothing in this Act shall be construed as depriving any chaplain of his commission in the Army, or as interfering with existing law pertaining to regimental and corps assignments or transfers, and that nothing herein contained shall be held or construed to increase the number of chaplains, as now authorized by law, or to reduce the grade of any now serving.

Act April 21, 1904, c. 1404, § 3, 33 Stat. 226.

**Repeal.**

Sec. 4. That all laws and parts of laws inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Act April 21, 1904, c. 1404, § 4, 33 Stat. 226.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

**Signal corps; increase of enlisted men.**

**Signal Corps.**

One hundred and thirty-two first-class sergeants, at five hundred and forty dollars each, seventy-one thousand two hundred and eighty dollars.

One hundred and forty-four sergeants, at four hundred and eight dollars each, fifty-eight thousand seven hundred and fifty-two dollars.

One hundred and fifty-six corporals, at two hundred and forty dollars each, thirty-seven thousand four hundred and forty dollars.

Five hundred and fifty-two first-class privates, at two hundred and four dollars each, one hundred and twelve thousand six hundred and eight dollars.

One hundred and sixty-eight privates, at one hundred and fifty-six dollars each, twenty-nine thousand three hundred and twenty-eight dollars.

Twenty-four cooks, at two hundred and forty dollars each, five thousand seven hundred and sixty dollars.

Thirty-six master signal electricians, at nine hundred dollars each, thirty-two thousand four hundred dollars: Provided, That the increase of enlisted men herein authorized shall take effect immediately.

Act April 23, 1904, c. 1485, 33 Stat. 261.

These are appropriations, under the head "Signal Corps," in the Army appropriation act for the fiscal year ending June 30, 1905, cited above, which are repeated in the similar act for the fiscal year ending June 30, 1906, Act March 2, 1905, c. 1307, 33 Stat. 829, in the same terms, excepting an error in the total amount of one item. They provide for a considerable increase of the enlisted force of the Signal Corps, as constituted by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798. A previous provision for a temporary addition of fifty first-class sergeants, for service in the Philippine Islands and Alaska, is superseded by these provisions.

**Military Secretary's Department and Military Secretary's Office of War Department established by consolidation of Adjutant-General's Department and Record and Pension Office; appointments, promotions, rank, and titles of officers.**

That the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office shall hereafter constitute one department of the Army, to be known as the Military Secretary's Department; and the Adjutant-General's Office and the Record and Pension Office, heretofore constituting bureaus of the War Department, shall hereafter constitute a consolidated bureau to be known as the Military Secretary's Office of the War Department. The officers so consolidated shall be borne on one list in the order of rank held by them, and those of them who hold permanent appointments as officers of the Adjutant-General's Department or of the Record and Pension Office shall be entitled to promotion below the grade of brigadier-general, as now provided by law and in the order of their standing on said list. Except as otherwise provided herein, the laws now in force shall continue to govern the appointment, promotion, and detail of all officers of the consolidated department hereby

created: Provided, That the officers of the said consolidated department shall be subject to the supervision of the Chief of Staff in all matters pertaining to the command, discipline, or administration of the existing military establishment: Provided further, That no appointments or details to the grade of assistant adjutant-general with the rank of major shall be made until the number of officers of that grade shall be reduced to less than ten, and thereafter the number of officers of said grade in the consolidated department shall be ten: Provided further, That of the officers consolidated as hereinbefore provided the senior in rank, who shall be chief of the consolidated department and the title of whose office is hereby changed to that of the military secretary, shall hereafter have the rank of major-general, and the second senior of said officers shall hereafter have the rank of brigadier-general: Provided further, That when the office of Military Secretary with the rank of major-general shall hereafter become vacant, it shall not be filled with said rank, and thereafter the chief of the Military Secretary's Department shall have the rank of a brigadier-general with the title of The Military Secretary, and there shall be only one officer above the rank of colonel in the said department. Except as hereinafter provided, the remaining offices of the consolidated department shall retain the titles that they now bear: Provided further, That when the office of Adjutant-General shall become vacant the vacancy so created on the active list of the Army shall not be filled, and thereafter the several officers now designated by the title assistant adjutant-general and by the title assistant chief of the Record and Pension Office shall be designated by the title Military Secretary: Provided further, That the chief of the Military Secretary's Department shall be a member of the Board of Commissioners of the United States Soldiers' Home.

Act April 23, 1904, c. 1485, 33 Stat. 262.

These are further provisions, following appropriations for pay of officers in the Adjutant-General's Office, in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

The Adjutant-General's Department, the officers of which are consolidated by these provisions with the officers of the Record and Pension Office, to form the Military Secretary's Department, was constituted by Act Feb. 2, 1901, c. 192, § 13, set forth in Comp. St. 1901, p. 789. The Record and Pension Office in the War Department was established by Act May 9, 1892, c. 62, set forth in Comp. St. 1901, p. 113, and the officers thereof were included as part of the Army and their rank prescribed by subsequent provisions, re-enacted in Act Feb. 2, 1901, c. 192, §§ 1, 25, Comp. St. 1901, pp. 784, 799.

**Amendment of Act Feb. 2, 1901, c. 192, § 22.**

That section twenty-two of the Act approved February second, nineteen hundred and one, entitled "An Act to increase the efficiency of the permanent military establishment of the United States," be, and the same is hereby, amended so that it shall read as follows:

**Composition of Corps of Engineers.**

"Sec. 22. That the Corps of Engineers shall consist of one Chief of Engineers with the rank of brigadier-general, of ten colonels, sixteen lieutenant-colonels, thirty-two majors, forty-three captains, forty-three first lieutenants, and forty-three second lieutenants. The enlisted force

provided in section eleven of this Act, and the officers serving with the organized battalions thereof, shall constitute a part of the line of the Army: Provided, That the Chief of Engineers shall be appointed as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled by promotion, according to seniority, from the Corps of Engineers. Any vacancies occurring at any time in the grade of second lieutenant shall be left for future promotions from the corps of cadets at the United States Military Academy."

Act April 23, 1904, c. 1485, 33 Stat. 263.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above. Act Feb. 2, 1901, c. 192, § 22, amended by this provision, is set forth in Comp. St. 1901, p. 797. The amendment changes the numbers of various officers of the corps, and omits a proviso, of a temporary nature, relating to filling vacancies in the grades of first and second lieutenant.

#### **Contract surgeons in charge of hospitals.**

\* \* That when a contract surgeon is in charge of a hospital he shall have the same authority as a commissioned medical officer.

Act April 23, 1904, c. 1485, 33 Stat. 266.

This is a proviso annexed to an appropriation for pay of contract surgeons in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

#### **Porto Rico provisional regiment of infantry.**

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each, to include the enlisted men of the present regiment who may be in the service June thirtieth, nineteen hundred and four, and officers as herein provided. The field officers shall be detailed from the officers of the Regular Army of the same grade and shall receive the pay and emoluments of their grade. The present officers of the regiment below the grade of field officers who are mentally, morally, and physically qualified and have proved efficient in their respective positions may be reappointed by the President, by and with the advice and consent of the Senate (and such officers shall be entitled to preference in such appointments) for a provisional term of four years. Officers so reappointed shall be eligible for promotion in the regiment up to and including the rank of captain, upon examination as to their fitness for such promotion. Vacancies then existing or thereafter occurring in the grade of second lieutenant may be filled by the President, in his discretion, by and with the advice and consent of the Senate, by the appointment of citizens of Porto Rico for the provisional term of four years, whose qualifications for commissions shall be established by such examination as the President may prescribe, who shall also be eligible for promotion in the regiment up to and including the rank of captain, upon an examination as to their fitness. Vacancies not filled as hereinbefore provided by the reappointment or promotion of the present officers or by the appointment or promotion of citizens of Porto Rico, shall be filled by detail from the line of the infantry of the Army of the same grade with the vacancy to be filled. Men hereafter enlisted in the regiment shall be citizens of Porto Rico and shall be enlisted for a term of two

years; and except in the case of noncommissioned officers shall not be reenlisted in time of peace. The names of all enlisted men who have served honorably in the regiment shall be kept at the headquarters of the regiment, and these men shall be regarded as a reserve, to be specially considered in time of war. The pay and allowances of officers and enlisted men of the regiment shall be the same as authorized for like grades in the Regular Army.

Act April 23, 1904, c. 1485, 33 Stat. 266.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above. It supersedes the provisions prescribing the composition of a provisional regiment for service in Porto Rico contained in Act Feb. 2, 1901, c. 192, § 37, Comp. St. 1901, p. 804, and in Act March 2, 1903, c. 975, 32 Stat. 934.

**Effect of act as to existing officers; repeal.**

Nothing in this Act shall be so construed as to deprive any officer of his commission or to increase the total number of officers of the Army, except as herein specially provided, and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Act April 23, 1904, c. 1485, 33 Stat. 276.

This is the concluding provision of the Army appropriation act for the fiscal year ending June 30, 1906, cited above. Various provisions of the act of a permanent nature are set forth above, and others are set forth below under other sections of this and other chapters of this Title.

**ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]**

**Clerks and other civilian employes in office of General Staff; detail to or from War Department.**

It shall not be lawful to detail clerks or other civilian employees authorized for the Office of the General Staff for duty, temporary or otherwise, in any office or bureau of the War Department at Washington, District of Columbia, or to detail clerks or other employees from the War Department for service in the Office of the General Staff.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 659.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

The General Staff Corps is established by Act Feb. 14, 1903, c. 553, set forth above.

A further provision forbidding the assignment to duty with any bureau in the War Department of clerks or other employes at the office of the Chief of Staff, contained in Act March 2, 1905, c. 1307, is set forth below.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

**Clerks and other civilian employes at headquarters of divisions, departments, and office of Chief of Staff; assignment to duty in War Department.**

Pay to Clerks, Messengers, and Laborers at Headquarters of Divisions, and Departments and Office of the Chief of Staff.

\* \* And said clerks and messengers and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: Provided, That no clerk, messenger, or

laborer at headquarters of divisions, departments, or office of the chief of staff, shall be assigned to duty with any bureau in the War Department.

Act March 2, 1905, c. 1307, 33 Stat. 829.

These are provisions accompanying appropriations for specified numbers of clerks, messengers, and laborers, in the Army appropriation act for the fiscal year ending June 30, 1906, cited above. A similar provision, without the final proviso, accompanied the appropriations for the same purposes in the Army appropriation act for the preceding fiscal year, ending June 30, 1905, Act April 23, 1904, c. 1485, 33 Stat. 261.

A previous similar provision relating to the office of the General Staff, contained in Act Feb. 3, 1905, c. 297, § 1, is set forth above.

**Vacancies in office of Assistant Chief of Record and Pension Office; change of title of Assistant Chief of Record and Pension Office, and of Assistant Adjutant-General, to Military Secretary.**

\* \* That any vacancy that shall occur in the office of the Assistant Chief of the Record and Pension Office previous to July first, nineteen hundred and five, shall be filled by the appointment of a captain of the line of the Army, and vacancies thereafter occurring shall not be filled, and the offices now designated by the title of Assistant Chief of the Record and Pension Office and by the title of Assistant Adjutant-General, shall hereafter be designated by the title of Military Secretary.

Act March 2, 1905, c. 1307, 33 Stat. 830.

This is a proviso annexed to appropriations for pay of officers in the Military Secretary's Department in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

The office of Assistant Chief of the Record and Pension Office, mentioned in this provision, was authorized by Act Feb. 2, 1901, c. 192, § 25, set forth in Comp. St. 1901, p. 799, and by previous acts referred to in the note under that section.

Previous provisions for the consolidation of the Record and Pension Office and the officers thereof with the Adjutant-General's Office and the officers thereof, to constitute the Military Secretary's Department of the Army and the Military Secretary's Office of the War Department, including provisions for the change of the title Assistant Adjutant-General and Assistant Chief of the Record and Pension Office, contained in Act April 23, 1904, c. 1485, are set forth above.

## Sec. 1098.

### **Aids of major and brigadier generals.**

Acts and parts of acts authorizing aids-de-camp and military secretaries do not apply to general officers of the General Staff Corps, by a provision of the act establishing the corps, Act Feb. 14, 1903, c. 553, § 4, set forth above.

## Sec. 1111. [*As amended 1901.*]

### **Band; [Military Academy.]**

Rev. St. § 1111, as amended by Act March 2, 1901, c. 804, set forth in Comp. St. 1901, p. 810, prescribing the composition of the Military Academy Band, is further amended by a provision of Act March 3, 1905, c. 1404, set forth below.



**ACT MARCH 3, 1905, c. 1404. [H. R. 17984.]**

**Amendment of Rev. St. § 1111.**

Section eleven hundred and eleven of the Revised Statutes is hereby amended to read as follows:

**Band; Military Academy.**

"Sec. 1111. The Military Academy band shall hereafter consist of one teacher of music, who shall be the leader of the band, one enlisted band sergeant and assistant leader, and of forty enlisted musicians. The teacher of music shall receive the pay of a second lieutenant, not mounted; the enlisted band sergeant and assistant leader shall receive six hundred dollars per year; and of the enlisted musicians of the band, twelve shall each receive thirty-four dollars per month, twelve shall each receive twenty-five dollars per month, and the remaining sixteen shall each receive seventeen dollars per month, and each of the aforesaid enlisted men shall also be entitled to the clothing, fuel, rations, and other allowances of musicians of cavalry; and the said teacher of music, the band sergeant and assistant leader, and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, re-enlistment, and length of service as are, or may hereafter become, applicable to other officers or enlisted men of the Army."

Act March 3, 1905, c. 1404, 33 Stat. 853.

This is a provision of the Military Academy appropriation act for the fiscal year ending June 30, 1906, cited above. Rev. St. § 1111, amended by this provision, is set forth, as previously amended, in Comp. St. 1901, p. 810.

**Sec. 1116.**

**General qualifications [of enlisted men].**

Citizens of Porto Rico are eligible for enlistment in the Regular Army, by a provision of Act March 2, 1903, c. 975, set forth above.

**Sec. 1120.**

**ACT JAN. 29, 1887, c. 72, § 1.**

**School of instruction for cavalry and light artillery.**

The usual annual appropriation for military service schools, mentioned in the note under this section, in Comp. St. 1901, p. 816, is repeated in the Army appropriation acts for subsequent fiscal years. The appropriation for the year ending June 30, 1906, is as follows:

"United States Service Schools: To provide means for the theoretical and practical instruction at the Artillery School at Fort Monroe, Virginia; the School of Submarine Defense at Fort Totten, New York; the General Service and Staff College at Fort Leavenworth, Kansas, and the School of Application for Cavalry and Field Artillery at Fort Riley, Kansas, by the purchase of text-books, books of reference, scientific and professional papers, the purchase of modern instruments and material for theoretical and practical instruction, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interest of the military service, twenty-five thousand dollars." Act March 2, 1905, c. 1307, 33 Stat. 827.

Other appropriations, for expenses of the Army War College, incidental

expenses of the School of Submarine Defense, etc., are made by the same act.

**ACT OCT. 1, 1890, c. 1259, § 2.**

**Civil officers authorized to arrest deserters.**

The appropriation for apprehension of deserters and escaped military prisoners mentioned in the note under this section, in Comp. St. 1901, p. 817, is repeated in subsequent Army appropriation acts. The appropriation for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 835.

**Sec. 1122.**

**Rank, etc., of chaplains.**

Provisions relating to promotions and rank of chaplains, subsequent to those of Act Feb. 2, 1901, c. 192, § 12, set forth in Comp. St. 1901, p. 788, are contained in Act April 21, 1904, c. 1404, set forth above.

**Sec. 1131.**

**ACT FEB. 24, 1891, c. 284.**

**Expert accountant in Inspector-General's Department.**

The appropriation for pay of the accountant mentioned in this provision is repeated in the Army appropriation acts for subsequent fiscal years. The appropriation for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 832.

**Sec. 1132.**

**ACT JULY 1, 1898, c. 544.**

**Military storekeeper.**

The military storekeeper on duty as doorkeeper to the President may be continued in that employment, and receive the full pay and allowances of his grade from the date of his retirement until relieved by the President, by a provision of Act June 30, 1902, c. 1328, set forth under chapter 2 of this Title.

**Sec. 1133.**

**Duties [of Quartermaster's Department].**

The provisions of Act March 2, 1901, c. 803, set forth in Comp. St. 1901, p. 2495, regulating the purchase of supplies, etc., and the making of contracts by the Quartermaster's Department, are repeated in the subsequent Army appropriation acts. See post, note, under Title XLIII, "Public Contracts."

Provisions for the purchase of horses from mounted line officers ordered for duty over seas or changed to another station are contained in Act March 2, 1903, c. 975, set forth post, under Title XLIII, "Public Contracts."

A provision for crediting deductions made from carriers, on account of loss of or damage to military stores in transit, to the proper appropriation or funds out of which such or similar stores shall be replaced, contained in Act March 2, 1905, c. 1307, is set forth below.

The Army appropriation acts for recent fiscal years contain a provision that "all funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines shall be deposited in the Treasury of the United States and remain available during the fiscal year \* \* for the

procurement of like military stores to replace those so transferred." The provision for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 841.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

**Application of deductions made from carriers for loss of or damage to military stores in transit.**

Hereafter moneys arising from deductions made from carriers on account of the loss of or damage to military stores in transit shall be credited to the proper appropriation or funds out of which such or similar stores shall be replaced \* \*.

Act March 2, 1905, c. 1307, 33 Stat. 840.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

**Sec. 1137.**

**ACT MARCH 2, 1903, c. 975.**

**Transport service not to be discontinued without action of Congress.**

\* \* That no action looking to the discontinuance of the transport service shall be taken without further action of Congress.

Act March 2, 1903, c. 975, 32 Stat. 939.

This is a proviso annexed to an appropriation for transportation of the Army, etc., in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

**Steamships in transport service not to be disposed of without consent of Congress.**

\* \* And hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained; \* \*

Act March 2, 1905, c. 1307, 33 Stat. 837.

This is a provision accompanying an appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1906, cited above. Similar provisions, without the word "hereafter," were contained in the appropriation acts for the years immediately preceding.

**Sec. 1158.**

**Engineers; limits of duty.**

The organization of a board of five engineer officers required to perform the duties imposed by the Chief of Engineers, and to consider and report on all reports and surveys for river and harbor improvements, is provided for by Act June 13, 1902, c. 1079, § 3, post, under Title LXIII, "River and Harbors."

The appointment of one officer of the Corps of Engineers of the Army as a member of a proposed international commission to investigate and report on the conditions of the waters of the Great Lakes and the St. Lawrence River is provided for by Act June 13, 1902, c. 1079, § 4, post, under Title LXIII, "Rivers and Harbors."

The employment of engineers of the Army in the construction of the

Isthmian Canal is authorized by Act June 28, 1902, c. 1302, § 7, post, under Title LXIII, "Rivers and Harbors," subchapter "Isthmian Canal."

### **Sec. 1159.**

**ACT JUNE 6, 1896, c. 338.**

#### **Ordnance storekeeper; rank.**

The ordnance storekeeper with the rank of major, on duty as disbursing officer and assistant to the Chief of Ordnance, as provided by this act, when retired is to be retired with the rank of lieutenant colonel, by a provision of Act June 30, 1902, c. 1328, set forth post, under chapter 2 of this Title.

### **Sec. 1167.**

#### **Semiannual reports.**

The returns to the Chief of Ordnance, required by this section to be made quarterly, are to be made semiannually, by a provision of Act Feb. 25, 1903, c. 755, § 1, set forth below.

**ACT FEB. 25, 1903, c. 755, § 1.**

#### **Semiannual returns of ordnance property.**

That returns of ordnance property now required to be made quarterly to the Chief of Ordnance shall hereafter be made semiannually.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 885.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above. The returns mentioned in this provision are required by Rev. St. § 1167, Comp. St. 1901, p. 833.

### **Sec. 1178.**

**ACT MARCH 3, 1883, c. 93.**

#### **Sales of medical supplies to civilian employés.**

The provision of this act, set forth in Comp. St. 1901, p. 839, is superseded by the provision relating to the same subject contained in Act April 23, 1904, c. 1485, set forth below.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

#### **Sales of medical supplies to civilian employés.**

\* \* That hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army.

Act April 23, 1904, c. 1485, 33 Stat. 273.

This is a proviso annexed to appropriations for the Medical Department in the Army appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the same language in the similar appropriation act for the fiscal year ending June 30, 1906, Act March 2, 1905, c. 1307, 33 Stat. 839.

**Secs. 1179-1181.****ACT MARCH 1, 1887, c. 311, § 1.****Hospital Corps, attached to Medical Department.**

The composition of the Hospital Corps is changed, and alterations in its organization are authorized, by provisions of Act March 2, 1903, c. 975, set forth below.

**ACT MARCH 2, 1903, c. 975.****Hospital Corps, composition and organization.**

\* \* That hereafter the Hospital Corps of the United States Army shall consist of sergeants first class, sergeants, corporals, privates first class, and privates; the rank and pay of sergeants first class, sergeants, and privates first class shall be as now provided by law for hospital stewards, acting hospital stewards, and privates of the Hospital Corps; corporals shall receive twenty dollars per month and privates sixteen dollars, with such increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men. That the Secretary of War is authorized to organize companies of instruction, ambulance companies, field hospital, and other detachments of the Hospital Corps as the necessities of the service may require.

Act March 2, 1903, c. 975, 32 Stat. 930.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The previous provisions relating to the corps, referred to in these provisions, are contained in Act March 1, 1887, c. 311, and subsequent statutes, set forth in Comp. St. 1901, pp. 839-841.

**Sec. 1188.****Duties of paymasters.**

Provisions relating to disbursements by and accounts of paymasters, in regard to the pay of the Army, contained in Act March 2, 1905, c. 1307, are set forth below.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]****Disbursement of pay and accounts of officers of Pay Department; assignment of paymasters' clerks to duty in office of Paymaster-General.**

All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for by officers of the Pay Department as pay of the Army, and for that purpose shall constitute one fund: Provided, That hereafter all the accounts of individual paymasters shall be analyzed under the several heads of the appropriation and recorded in detail by the Paymaster-General of the Army before said accounts are forwarded to the Treasury Department for final audit, and the Secretary of War may hereafter authorize the assignment to duty in the office of the Paymaster-General, not to exceed five paymasters' clerks, now authorized by law.

Act March 2, 1905, c. 1307, 33 Stat. 832.

These are provisions, following the appropriations for pay of the Army

and miscellaneous mentioned therein, in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

The provision for disbursement of and accounting for the pay of the Army as one fund is repeated from preceding Army appropriation acts, in which, as in this act, it in terms relates to "the money hereinbefore appropriated," and is therefore applicable only to the appropriations for the particular fiscal year.

So much of that portion of the proviso annexed to that provision as requires the accounts of paymasters to be analyzed and recorded in detail before they are forwarded to the Treasury Department, except the word "hereafter," was contained in the Army appropriation act for the fiscal year ending June 30, 1905, Act April 23, 1904, c. 1485, 33 Stat. 267.

Further provisions that no part of the sums appropriated for support of the Regular Army shall be used for the expenses of the organized militia while engaged in joint encampment, etc., of the Regular Army and militia, under Act Jan. 21, 1903, c. 196, § 15, and that all payments to the militia under that section shall be made solely from the sums appropriated for such purpose, contained in Act April 27, 1904, c. 1485, and Act March 2, 1905, c. 1307, are set forth post, under Title XLI, "Appropriations."

## Sec. 1189.

### Periods of payment.

The daily rate for computation of pay for fractional parts of a month is fixed by a provision of Act March 2, 1903, c. 975, set forth post, under chapter 3 of this Title.

## Sec. 1190.

### Paymasters' clerks.

The assignment to duty in the office of the Paymaster-General of "not to exceed five paymasters' clerks," who are provided for by Rev. St. § 1190, Comp. St. 1901, p. 843, is authorized by a provision of Act March 2, 1905, c. 1307, set forth above.

## OF PROMOTIONS, BREVETS, AND CERTIFICATES OF MERIT.

## Sec. 1204.

**ACT OCT. 1, 1890, c. 1241, § 1. [As amended 1892.]**

### Promotions by seniority, subject to examination.

Provisions subsequent to those of Act Oct. 1, 1890, c. 1241, § 1, set forth in Comp. St. 1901, p. 849, and to those referred to in the note under that section, relating to promotions and rank of chaplains, are contained in Act April 21, 1904, c. 1404, set forth above; and relating to appointments, promotions, rank, vacancies, etc., in the Military Secretary's Department of the Army, constituted by consolidating the Adjutant-General's Department and the officers thereof, except the Adjutant-General, and the Record and Pension Office and the officers thereof, in Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, also set forth above.

## Sec. 1216. [As amended 1891, 1892.]

### Certificates of merit for privates.

Medals of honor, to be presented to officers, noncommissioned officers, and privates, for distinguished gallantry in action, and to replace such

medals formerly issued, are authorized by provisions of Act April 23, 1904, c. 1485, set forth below.

The issue of a duplicate of any medal, made and presented, under any act or resolution of Congress, to any officer or person in the United States on account of distinguished or meritorious services, which has been lost or destroyed through no fault of the beneficiary, is authorized by Res. April 15, 1904, No. 23, set forth below.

A national trophy and medals and other prizes to be contested for annually, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, are provided for by an appropriation, re-enacting, with additions, similar previous appropriations, in Act March 2, 1905, c. 1307, set forth below.

**RES. APRIL 15, 1904, No. 23. [S. J. R. 9.]**

Joint Resolution Authorizing the Issue of Duplicate Medals where the Originals have been Lost or Destroyed. (33 Stat. 588.)

**Duplicates of medals presented for distinguished or meritorious services, and lost or destroyed.**

Resolved, &c., That in any case where the President of the United States has heretofore, under any Act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.

Res. April 15, 1904, No. 23, 33 Stat. 588.

The issue of medals of honor to replace medals issued under Res. July 12, 1862, No. 52, 12 Stat. 623, and Act March 3, 1863, c. 79, § 6, 12 Stat. 751, is authorized by provisions of Act April 23, 1904, c. 1485, set forth below.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

**Medals of honor for distinguished gallantry in action.**

For three thousand medals of honor to be prepared, with suitable emblematic devices, upon the design of the medal of honor heretofore issued, or upon an improved design, together with appropriate rosettes or other insignia to be worn in lieu of the medal, and to be presented by direction of the President, and in the name of Congress, to such officers, noncommissioned officers, and privates as have most distinguished, or may hereafter most distinguish, themselves by their gallantry in action, twelve thousand dollars: Provided, That the Secretary of War be, and he is hereby, authorized and directed to use so many of the medals and rosettes or other insignia provided for by this Act as may be necessary to replace the medals that have been issued under the joint resolution of Congress approved July twelfth, eighteen hundred and sixty-two, and section six of the Act of Congress approved

March third, eighteen hundred and sixty-three: And provided further, That whenever it shall appear from official records in the War Department that any officer or enlisted man of the Army so distinguished himself in action as to entitle him to the award of the Congressional medal of honor under the provisions of the sixth section of the Act of Congress approved March third, eighteen hundred and sixty-three, entitled, "An Act making appropriations for the sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-four, and for the year ending the thirtieth of June, eighteen hundred and sixty-three, and for other purposes," the fact that the person who so distinguished himself has since become separated from the military service, or that the award of the medal to him was not specifically recommended or applied for while he was in the said service, shall not be held to prevent the award and presentation of the medal to such person under the provisions of the law hereinbefore cited.

Act April 23, 1904, c. 1485, 33 Stat. 274.

Res. July 12, 1862, No. 52, 12 Stat. 623, mentioned in this provision, was as follows:

"Resolved," etc., "That the President of the United States be, and he is hereby, authorized to cause two thousand 'Medals of Honor' to be prepared with suitable emblematic devices, and to direct that the same be presented, in the name of Congress, to such noncommissioned officers and privates as shall most distinguish themselves by their gallantry in action, and other soldier-like qualities, during the present insurrection. And that the sum of ten thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying this resolution into effect."

Act March 3, 1863, c. 79, § 6, 12 Stat. 751, also mentioned in this provision, was as follows:

"And be it further enacted, That the President cause to be struck from the dies recently prepared at the United States mint for that purpose, 'Medals of Honor' additional to those authorized by the act [resolution] of July twelfth, eighteen hundred and sixty-two, and present the same to such officers, noncommissioned officers, and privates as have most distinguished or who may hereafter most distinguish themselves in action; and the sum of twenty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of the same."

The provisions of the resolution and act set forth here, being temporary in their nature, were not incorporated into the Revised Statutes.

Provisions for medals of honor, etc., to officers and men of the Navy, are contained in Res. May 4, 1898, No. 30, set forth in Comp. St. 1901, p. 1002, and in previous acts mentioned in that resolution and cited in the note thereunder, in Comp. St. 1901, p. 1002.

#### **ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

**National trophy, medals, and prizes, for annual contest, open to Army, Navy, Marine Corps, and National Guard or organized militia of States, etc.**

National trophy and medals for rifle contests: That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organ-



ized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice, the sum of four thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War.

Act March 2, 1905, c. 1307, 33 Stat. 841.

This is a provision accompanying appropriations for the Ordnance Department in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

A provision for a similar contest, "open to the Army and the National Guard or organized militia of the several States, Territories, and of the District of Columbia," and making an annual appropriation of \$2,500, was contained in the Army appropriation act for the fiscal year ending June 30, 1904, Act March 2, 1903, c. 975, 32 Stat. 491, but was amended so as to make the contest "open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States," etc., and to make a single appropriation of \$2,500, by the similar act for the fiscal year ending June 30, 1905, Act April 23, 1904, c. 1485, 33 Stat. 274; and another appropriation in the same language and of the same amount, as the provision so amended, was made by Act April 28, 1904, c. 1832, 33 Stat. 580.

The provision of Act March 2, 1905, c. 1307, set forth above, re-enacts the preceding provisions, with the addition of the words, "and for the promotion of rifle practice," not contained in such preceding provisions, and makes an appropriation of \$4,000 instead of \$2,500 previously appropriated.

#### GENERAL PROVISIONS OF ORGANIZATION.

### Sec. 1217.

#### **Commissions now held not vacated.**

Provisions similar to those of Rev. St. § 1217, set forth in Comp. St. 1901, p. 857, as to the effect on existing commissions of acts making changes in the organization of the Army, are usually inserted in such acts, as in Act Feb. 2, 1901, c. 192, § 39, set forth in Comp. St. 1901, p. 805, relating to the composition and organization of the Army, and in Act April 21, 1904, c. 1404, § 3, set forth above, applying to chaplains, and in the concluding clause of Act April 23, 1904, c. 1485, also set forth above, applying to officers generally.

### Sec. 1219.

#### **Time of actual service considered in fixing rank.**

In computing time of service as a commissioned officer to determine relative rank as provided by Rev. St. § 1219, set forth in Comp. St. 1901, p. 858, persons appointed first or second lieutenants in the Regular Army who had served as volunteers subsequent to April 21, 1898, take rank in the respective grades according to seniority as determined by prior commissioned service, by provisions of the Act authorizing such appointments, Act Feb. 2, 1901, c. 192, § 28, set forth in Comp. St. 1901, p. 801.

The same credit for prior commissioned service is to be allowed a second lieutenant of the Marine Corps appointed second lieutenant of artillery since February 2, 1901, in determining his lineal and relative rank, as to a lieutenant of volunteers appointed under said Act Feb. 2,

1901, c. 192, § 28, mentioned above, by Act Dec. 20, 1904, c. 20, set forth below.

**ACT DEC. 20, 1904, c. 20. [S. 2114.]**

An Act to Fix the Rank of Certain Officers in the Army. (33 Stat. 595.)

**Credit for time of prior commissioned service in Marine Corps in determining rank.**

Be it enacted, &c., That any second lieutenant of the United States Marine Corps who may have been appointed second lieutenant of artillery since the second day of February, nineteen hundred and one, and prior to the passage of this Act, shall, in determining his lineal and relative rank, be entitled to the same credit for prior commissioned service as a lieutenant of volunteers appointed under the Act entitled "An Act to increase the efficiency of the permanent military establishment of the United States," approved February second, nineteen hundred and one.

Act Dec. 20, 1904, c. 20, 33 Stat. 595.

Act Feb. 2, 1901, c. 192, § 28, mentioned in this act, which provides for credit for prior commissioned service to persons appointed first or second lieutenant in the Regular Army, who served as volunteers subsequent to April 21, 1898, is set forth in Comp. St. 1901, p. 801.

**Sec. 1225. [As amended 1888.]**

**Officers and arms for colleges [and other educational institutions].**

The provisions of Rev. St. § 1225, as amended, set forth in Comp. St. 1901, p. 861, and further amended by subsequent provisions set forth in Comp. St. 1901, pp. 863-866, relating to the detail of officers of the Army and Navy to educational institutions, are further amended, so as to permit additional details of retired officers and noncommissioned officers of the Army and Navy, by Act April 21, 1904, c. 1403, set forth below.

**ACT FEB. 26, 1901, c. 607, §§ 1, 2.**

**Retired officers detailed as instructors in military drill and tactics in schools.**

In addition to the provisions of this act, set forth in Comp. St. 1901, p. 865, for the detail of retired officers as instructors in schools, such detail of retired noncommissioned officers is authorized, and schools in the territories are included, by a further amendment of Rev. St. § 1225, by Act April 21, 1904, c. 1403, set forth below.

**Compensation of officers detailed.**

In addition to the provisions of this section, set forth in Comp. St. 1901, p. 865, for compensation of retired officers detailed as instructors in schools, compensation of noncommissioned officers authorized to be so detailed is provided for, by a further amendment of Rev. St. § 1225, by Act April 21, 1904, c. 1403, § 2, set forth below.

**ACT APRIL 21, 1904, c. 1403. [S. 1399.]**

An Act to Amend Section Twelve Hundred and Twenty-Five of the Revised Statutes, so as to Provide for Detail of Retired Officers of

the Army and Navy to Assist in Military Instruction in Schools.  
(33 Stat. 225.)

**Retired officers and noncommissioned officers detailed as instructors in military drill and tactics in schools.**

Be it enacted, &c., That section twelve hundred and twenty-five of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail under the provisions of that Act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said Act, such retired officers and noncommissioned officers of the Army and Navy of the United States as in his judgment may be required for that purpose to act as instructors in military drill and tactics in schools in the United States and Territories where such instructions shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

Act April 21, 1904, c. 1403, § 1, 33 Stat. 225.

Previous provisions for the detail for the same purposes of "retired officers," not including noncommissioned officers, to "schools in the United States," not expressly mentioning schools in the territories, but otherwise identical with those of this section, are contained in Act Feb. 26, 1901, c. 607, § 1, set forth in Comp. St. 1901, p. 865.

**Compensation of officers and noncommissioned officers detailed.**

Sec. 2. That no detail shall be made under this Act to any school unless it shall pay the cost of commutation of quarters of the retired officers or noncommissioned officers detailed thereto and the extra-duty pay to which they may be entitled by law to receive for the performance of special duty: Provided, That no detail shall be made under the provisions of this Act unless the officers and noncommissioned officers to be detailed are willing to accept such position: Provided further, That they shall receive no compensation from the Government other than their retired pay.

Act April 21, 1904, c. 1403, § 2, 33 Stat. 225.

Previous provisions for compensation of "retired officers" detailed for the same purposes are contained in Act Feb. 26, 1901, c. 607, § 2, set forth in Comp. St. 1901, p. 865. By this section compensation is also provided for retired noncommissioned officers authorized by this act to be so detailed, and express provision is made that officers and noncommissioned officers detailed shall receive no compensation from the government other than their retired pay.

**Issue of ordnance and ordnance stores to schools.**

Sec. 3. That the Secretary of War is authorized to issue at his discretion, and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, upon the approval of the governors of the respective States and Territories, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case, for double the value of

the property, for the care and safe-keeping thereof and for the return of the same when required.

Act April 21, 1904, c. 1403, § 3, 33 Stat. 228.

Previous provisions identical with this section, except the words "and Territories," following the words "the respective States," are contained in Act Feb. 26, 1901, c. 607, § 3, set forth in Comp. St. 1901, p. 865.

**Time of taking effect of act.**

Sec. 4. That this Act shall take effect immediately.

Act April 21, 1904, c. 1403, § 4, 33 Stat. 228.

**Sec. 1227.**

**Army corps badges.**

Provisions authorizing the wearing of badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of 1900 are contained in Res. Jan. 12, 1903, No. 2, set forth above.

**Sec. 1240.**

**ACT JUNE 13, 1890, c. 423.**

**Expenditures at posts.**

No military post within the United States is to be established without the express authority of Congress, by a provision of Act March 2, 1905, c. 1307, set forth below.

**ACT JULY 16, 1892, c. 195.**

**Expenditures for post gardens or exchanges.**

Appropriations for "the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, to be expended in the discretion and under the direction of the Secretary of War," are contained in the Army appropriation acts for recent years, with a proviso that not more than \$40,000 of the sum appropriated shall be expended at any one post or station. The appropriation for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 836.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

**Military posts not to be established without express authority of Congress.**

\* \* That hereafter no military post within the United States shall be established without the express authority of Congress.

Act March 2, 1905, c. 1307, 33 Stat. 836.

This is a proviso annexed to the appropriation for barracks and quarters in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

## CHAPTER TWO.

## Retirement.

## Sec. 1254.

## Retired rank.

Officers of certain grades, who served with credit during the civil war, and possessing other requirements prescribed, retired for certain specified causes, may be placed on the retired list with the rank and retired pay of one grade above that actually held at the time of retirement, as prescribed by Rev. St. § 1254, set forth in Comp. St. 1901, p. 887, by a provision of Act April 23, 1904, c. 1485, set forth below.

The rank and pay on retirement of particular officers are prescribed by provisions of Act June 30, 1902, c. 1328, set forth below.

## ACT JUNE 30, 1902, c. 1328.

## Rank on retirement of military storekeeper and of ordnance storekeeper.

\* \* That the military storekeeper now on duty at the White House as doorkeeper to the President may be continued in that employment and shall receive the full pay and allowances of his grade from the date of his retirement until relieved by the President; and when the ordnance storekeeper with the rank of major now on duty as disbursing officer and assistant to the Chief of Ordnance is retired he shall be retired with the rank of lieutenant-colonel.

Act June 30, 1902, c. 1328, 32 Stat. 511.

This is a proviso annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1903, cited above.

## ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

## Rank and pay on retirement of officers who served with credit during the civil war.

\* \* That any officer of the Army below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement: Provided, That this Act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Army and placed on the retired list by virtue of the provisions of a special Act of Congress. \* \*

Act April 23, 1904, c. 1485, 33 Stat. 264.

This is a provision following an appropriation for pay of officers on

the retired list in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

A further provision of the same act for assignment of retired officers to active duty of various kinds, with full pay and allowances, is set forth below.

## **Sec. 1259.**

### **Assignment to duty.**

The detail of retired officers for service in connection with the organized militia in the States and Territories, and other duties not involving service with troops, is authorized by provisions of Act March 2, 1903, c. 975, and of Act April 23, 1904, c. 1485, set forth below.

### **ACT MARCH 2, 1903, c. 975.**

#### **Detail for service in connection with organized militia.**

\* \* That in addition to the detail of retired officers now authorized by law, it shall hereafter be lawful for the Secretary of War to detail, whenever in his judgment the public interests require it, not exceeding twenty retired officers for service in connection with the organized militia in the States or Territories, upon the request of the governor thereof, and such retired officers shall be entitled, while so employed, to receive the full pay and allowances of their respective grades.

Act March 2, 1903, c. 975, 32 Stat. 932.

This is a proviso annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

More comprehensive provisions for assignment of retired officers, with their consent, to active duty of various kinds, not involving service with troops, contained in Act April 23, 1904, c. 1485, are set forth below.

### **ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

#### **Assignment to active duty not involving service with troops.**

\* \* And the Secretary of War may assign retired officers of the Army, with their consent, to active duty in recruiting, for service in connection with the organized militia in the several States and Territories upon the request of the governor thereof, as military attachés, upon courts-martial, courts of inquiry and boards, and to staff duties not involving service with troops; and such officers while so assigned shall receive the full pay and allowances of their respective grades.

Act April 23, 1904, c. 1485, 33 Stat. 264.

This is a provision accompanying an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

Previous provisions for the detail of retired officers for service in connection with the organized militia, contained in Act March 2, 1903, c. 975, are set forth above.

Provisions for the detail of retired officers to educational institutions are contained in Rev. St. § 1260, and other acts set forth or referred to under that section in Comp. St. 1901, p. 890, and in amendments of Rev. St. § 1225, set forth in Comp. St. 1901, pp. 863-866, and ante, under chapter 1 of this Title.

The detail of officers of the Army to attend encampments of, and for duty in connection with, the organized militia, is provided for by Act

Jan. 21, 1903, §§ 19, 20, post, under Title XVI, "The Militia;" and such detail of instructors from the Regular Army for the militia when assembled on the national military parks is provided for by Act May 15, 1896, c. 182, § 2, set forth in Comp. St. 1901, p. 975.

Subsequent provisions as to the pay and allowances of retired officers above the grade of major, assigned to active duty, contained in Act March 2, 1905, c. 1307, are set forth post, under chapter 3 of this Title.

## Sec. 1260.

**ACT FEB. 14, 1885, c. 67.**

### **Retirement of enlisted men.**

In computing length of service of enlisted men for retirement, service as commissioned officers of United States Volunteers, or as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, is to be counted, by provisions of Act June 30, 1902, c. 1328, and Act March 2, 1903, c. 975, set forth below; and credit for double the actual time of service in China is to be given, by a provision of Act March 2, 1903, c. 975, set forth below; and by a provision of Act April 23, 1904, c. 1485, also set forth below, credit is thereafter to be given for double the time of actual service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama, but double credit is not to be given for service thereafter rendered in Porto Rico or the Territory of Hawaii.

**ACT JUNE 30, 1902, c. 1328.**

### **Length of service to entitle men to continuous service pay and to retirement.**

\* \* That all enlisted men of the Regular Army who served as commissioned officers of United States Volunteers organized in eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, or who have served or may be now serving as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.

Act June 30, 1902, c. 1328, 32 Stat. 512. Act March 2, 1903, c. 975, 32 Stat. 934.

This is a proviso annexed to an appropriation for pay of Philippine Scouts in the Army appropriation act for the fiscal year ending June 30, 1903, repeated in the similar act for the fiscal year ending June 30, 1904, cited above.

**ACT MARCH 2, 1903, c. 975.**

### **Length of service for retirement; credit for double time of service in China.**

\* \* That hereafter, in computing the length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, the same as is now given in Porto Rico, Cuba, and the Philippine Islands.

Act March 2, 1903, c. 975, 32 Stat. 933.

This is a proviso, annexed to an appropriation for pay of the enlisted men on the retired list, in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. Similar credit for service in Porto Rico, Cuba, or in the Philippine Islands, referred to in this provision, is

to be given by a provision of Act May 26, 1900, c. 586, set forth in Comp. St. 1901, p. 891.

Different provisions for computing the length of service for retirement, as to giving credit for double the time for services thereafter rendered, contained in Act April 23, 1904, c. 1485, are set forth below.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

**Length of service for retirement; credit for double time of service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama.**

\* \* That hereafter in computing the length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama; but double credit shall not be given for service hereafter rendered in Porto Rico or the Territory of Hawaii.

Act April 23, 1904, c. 1485, 33 Stat. 264.

This is a proviso annexed to an appropriation for pay of the enlisted men on the retired list in the Army appropriation act for the fiscal year ending June 30, 1905, cited above. Previous provisions for similar credit contained in Act March 2, 1903, c. 975, are set forth or referred to above.

## CHAPTER THREE.

### Pay and Allowances.

#### Sec. 1261.

##### Rates of pay.

The official salary of army officers appointed or employed under the Isthmian Canal act, Act June 28, 1902, c. 1302, set forth post, under Title LXIII, "Rivers and Harbors," subchapter "Isthmian Canal," is required to be deducted from the salary or compensation authorized by said act, by section 7 thereof.

**ACT MARCH 2, 1901, c. 803.**

**Increase of pay of officers and enlisted men serving beyond the limits of the States of the Union and the contiguous Territories.**

The provisions of this act set forth in Comp. St. 1901, p. 896, are repeated, without the last two provisos there set forth, in the Army appropriation act for the fiscal year ending June 30, 1903, Act June 30, 1902, c. 1328, 32 Stat. 512.

#### Sec. 1262.

##### Service pay.

No further increase of longevity pay is to be allowed to retired officers, except officers retired on account of wounds received in battle, by a provision of Act March 2, 1903, c. 975, set forth below.

#### Sec. 1265.

**ACT JULY 29, 1876, c. 239.**

**Leave of absence without deduction of pay.**

Provisions relating to leave credits for volunteer service to officers ap-



pointed to the Regular Army from the volunteer service are contained in a proviso of Act June 30, 1902, c. 1328, set forth below.

**ACT JUNE 30, 1902, c. 1328.**

**Leaves of absence, credits for volunteer service.**

\* \* That officers appointed to the Regular Army from the volunteer service, whose service has been continuous, shall, in the computation of leaves of absence after their appointment in the Regular Army, be entitled to the leave credits which accrued to them as volunteer officers where such leave credits were not availed of during their volunteer service.

Act June 30, 1902, c. 1328, 32 Stat. 508.

This is a proviso annexed to an appropriation for pay of officers for length of service in the Army appropriation act for the fiscal year ending June 30, 1903, cited above.

**Sec. 1268.**

**To be paid monthly.**

Further provisions relating to monthly payments to be made under the provisions of Army appropriation acts are contained in a paragraph of Act March 2, 1903, c. 975, set forth below.

Provisions relating to disbursements by and accounts of paymasters, in regard to the pay of the Army, contained in Act March 2, 1905, c. 1307, are set forth ante, under chapter 1 of this Title.

**ACT MARCH 2, 1903, c. 975.**

**Payments to be made monthly; computation of amount.**

Hereafter, in all payments to be made under the provisions of army appropriation acts, when the rate of compensation is annual, payment shall be made monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this Act each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less.

Act March 2, 1903, c. 975, 32 Stat. 934.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

Similar provisions, relating to annual and monthly rates of compensation of officers, agents, and employes of the United States, for services rendered after June 30, 1904, contained in Act April 28, 1904, c. 1762, § 4, are set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

**Sec. 1270. [As amended 1877.]**

**Allowance of fuel, quarters, and forage.**

Nothing in any other act is to be construed so as to deprive officers of the Army of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the Army appropriation act, Act March 2, 1905, c. 1307, by a provision of that act set forth below.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

\* \* And nothing in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year nineteen hundred and six or any other Act shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this Act; \* \*

Act March 2, 1905, c. 1307, 33 Stat. 834.

This is a provision accompanying an appropriation for regular supplies of the Quartermaster's Department, among them "forage in kind \* \* for the authorized number of officers' horses, including bedding for the animals," in the Army appropriation act for the fiscal year ending June 30, 1906, cited above. A similar provision was contained in the Army appropriation act for the preceding fiscal year 1905, Act April 23, 1904, c. 1485, 33 Stat. 268, except that that act referred to the legislative, executive, and judicial appropriation act for the same fiscal year 1905, only, without the words "or any other act," contained in this provision.

The portions of the legislative, executive, and judicial appropriation acts which appear to be contemplated in these provisions of the Army appropriation acts, are the sections restricting the use of any money appropriated by those or any other acts for expenses of horses, carriages, and drivers, or for purchasing, maintaining, etc., carriages or vehicles, for the use of officers; Act March 18, 1904, c. 716, § 3, and Act Feb. 3, 1905, c. 297, § 4, set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

**Sec. 1273.****ACT FEB. 27, 1893, c. 168.****Mileage to paymasters' clerks and accountant of Inspector-General's Department.**

Instead of mileage, etc., as prescribed by the provision of this act set forth in Comp. St. 1901, p. 903, actual expenses only are to be paid to paymasters' clerks and the expert accountant of the Inspector-General's Department for sea travel to, from, or between our island possessions, by a provision of Act June 30, 1902, c. 1328, set forth below.

**ACT JUNE 30, 1902, c. 1328.****Expenses of paymasters' clerks and accountant of Inspector-General's Department for sea travel to, from, or between island possessions.**

\* \* That hereafter actual expenses only shall be paid to paymasters' clerks and the expert accountant of the Inspector-General's Department for sea travel when traveling on duty to, from, or between our island possessions.

Act June 30, 1902, c. 1328, 32 Stat. 511.

This is a proviso annexed to an appropriation for traveling expenses of the clerks and accountant mentioned, in the Army appropriation act for the fiscal year ending June 30, 1903, cited above.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]****Assignment of pay by contract surgeons and contract dental surgeons.**

\* \* That hereafter contract surgeons and contract dental surgeons

on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army: \* \*

Act April 23, 1904, c. 1485, 33 Stat. 266.

This is a proviso annexed to an appropriation for pay of contract surgeons in the Army appropriation act for the fiscal year ending June 30, 1905, cited above. A similar provision, without the word "hereafter," was contained in the Army appropriation act for the preceding year, Act March 2, 1903, c. 975, 32 Stat. 933.

## Sec. 1275.

**ACT MARCH 2, 1903, c. 975.**

**Limitation of increase of pay for length of service to retired officers.**

\* \* That hereafter, except in case of officers retired on account of wounds received in battle, no officer now on the retired list shall be allowed or paid any further increase of longevity pay, and officers hereafter retired, except as herein provided, shall not be allowed or paid any further increase of longevity pay above that which had accrued at date of their retirement.

Act March 2, 1903, c. 975, 32 Stat. 932.

This is a proviso annexed to an appropriation for additional pay to retired officers for length of service in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. A similar proviso was annexed to the appropriation for the preceding year, but was applicable only to that appropriation.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

**Retired officers assigned to active duty.**

\* \* That retired officers of the Army above the grade of major, heretofore or hereafter assigned to active duty, shall hereafter receive their full retired pay and shall receive no further pay or allowances from the United States: Provided further, That a colonel or lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list.

Act March 2, 1905, c. 1307, 33 Stat. 831.

These are provisos annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

Before this act, retired officers detailed or assigned to active duty were entitled, while so employed or assigned, to receive the full pay and allowances of their respective grades, by provisions of the acts authorizing such detail or assignment, Act March 2, 1903, c. 975, and Act April 23, 1904, c. 1485, set forth ante, under chapter 2 of this Title.

## Sec. 1280. [*As amended 1877.*]

**Pay of enlisted men.**

Expert riflemen receive one dollar a month in addition to their pay, by a provision of Act March 2, 1903, c. 975, set forth below.

First-class gunners of field artillery receive two dollars per month, and second-class gunners one dollar per month, in addition to their pay, by a provision of Act April 23, 1904, c. 1485, set forth below.

**ACT MARCH 2, 1903, c. 975.****Addition to pay of expert riflemen.**

\* \* That expert riflemen, hereafter qualifying as such, shall receive one dollar a month in addition to their pay.

Act March 2, 1903, c. 975, 32 Stat. 929.

This is a proviso annexed to an appropriation for such extra pay in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]****Addition to pay of gunners of field artillery.**

\* \* That hereafter first-class gunners of field artillery shall receive two dollars per month and second-class gunners one dollar per month in addition to their pay.

Act April 23, 1904, c. 1485, 33 Stat. 260.

This is a proviso annexed to an appropriation for pay of enlisted men in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

**Sec. 1281.****Additional pay.**

Enlisted men who served as commissioned officers of United States Volunteers, or as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, are to have such period of service counted, and to be entitled to all continuous-service pay, by provisions of Act June 30, 1902, c. 1328, set forth ante, under chapter 2 of this Title.

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## CHAPTER FOUR.

### The Military Academy.

**Sec. 1309.****Officers, professors, and instructors.**

The professors and the associate professor have the actual rank in the Army assigned to them by assimilation in the regulations of the Academy, by a provision of Act June 28, 1902, c. 1300, set forth below.

An officer of the Army is to be assigned to the Academy as associate professor of modern languages, by a provision of Act March 3, 1903, c. 995, set forth below.

The associate professor of mathematics has the pay and allowances of a major, and the position is to be filled by the detail of an officer from the Army, by a provision of Act March 3, 1905, c. 1404, set forth below.

The master of the sword has the relative rank and the pay, allowances, and emoluments of a captain mounted, by a further provision of Act March 3, 1905, c. 1404, also set forth below.

**ACT MARCH 1, 1893, c. 186.****Associate professor of mathematics.**

The associate professor of mathematics has the pay and allowances of a major, and the position is to be filled by the detail of an officer

from the Army, by a provision of Act March 3, 1905, c. 1404, set forth below.

**ACT JUNE 28, 1902, c. 1300.**

**Rank of professors and associate professor.**

\* \* That the professors and the associate professor of the United States Military Academy shall have the actual rank in the United States Army now assigned to them by assimilation in the regulations of the Military Academy prescribed by the President of the United States, and that they shall exercise command only in the academic department of the United States Military Academy.

Act June 28, 1902, c. 1300, 32 Stat. 409.

This is a proviso annexed to appropriations for pay of professors, etc., in the Military Academy appropriation act for the fiscal year ending June 30, 1903, cited above.

A previous provision that the academic staff as such shall not be entitled to any command in the Army separate from the Academy is contained in Rev. St. § 1314, Comp. St. 1901, p. 930.

**ACT MARCH 3, 1903, c. 995.**

**Associate professor of modern languages.**

\* \* That the Secretary of War shall assign an officer of the Army to the Military Academy as associate professor of modern languages, and that such officer, while so serving, shall receive the pay and allowances of a major.

Act March 3, 1903, c. 995, 32 Stat. 1012.

This is a proviso annexed to an appropriation for pay of such associate professor, "in addition to pay as captain," \$500, in the Military Academy appropriation act for the fiscal year ending June 30, 1904, cited above.

**ACT MARCH 3, 1905, c. 1404. [H. R. 17984.]**

**Associate professor of mathematics.**

\* \* That hereafter the associate professor of mathematics shall have pay and allowances of a major, and the position shall be filled by the detail of an officer from the Army at large; \* \*

Act March 3, 1905, c. 1404, 33 Stat. 850.

This is a proviso annexed to an appropriation for pay of such associate professor in the Military Academy appropriation act for the fiscal year ending June 30, 1906, cited above. Appropriations for pay of professors, etc., included in the permanent establishment, for that fiscal year, are made by said act, 33 Stat. 849, 850.

**Sec. 1315.**

**ACT JUNE 6, 1900, c. 792, § 4.**

**Cadets, number and appointment of.**

The number of cadets to be appointed from the United States at large is not at any one time to exceed forty, by a provision of Act June 28, 1902, c. 1300, set forth below.

An additional appointment of one cadet from Porto Rico is authorized by a provision of Act March 3, 1903, c. 995, set forth below.

**ACT JUNE 28, 1902, c. 1300.****Limitation of number of cadets to be appointed from United States at large.**

\* \* That the number of cadets authorized to be appointed by the President from the United States at large shall not at any one time exceed forty.

Act June 28, 1902, c. 1300, 32 Stat. 410.

This is a proviso annexed to an appropriation for pay of cadets in the Military Academy appropriation act for the fiscal year ending June 30, 1903, cited above.

**ACT MARCH 3, 1903, c. 995.****Cadet to be appointed from Porto Rico.**

\* \* That in addition to the Corps of Cadets now authorized by law, there shall be one from Porto Rico, who shall be a native of said island, to be appointed by the President of the United States.

Act March 3, 1903, c. 995, 32 Stat. 1011.

This is a proviso annexed to an appropriation for pay of cadets in the Military Academy appropriation act for the fiscal year ending June 30, 1904, cited above.

**Sec. 1338. [*As amended 1901.*]****Master of the sword.**

The master of the sword is to have the relative rank and the pay, allowances, and emoluments of a captain mounted, by a provision of Act March 3, 1905, c. 1404, set forth below.

**ACT MARCH 3, 1905, c. 1404. [H. R. 17984.]****Master of the sword; rank and pay, etc.**

\* \* That the master of the sword shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a captain mounted; \* \*

Act March 3, 1905, c. 1404, 33 Stat. 850.

This is a proviso annexed to an appropriation for pay of the master of the sword in the Military Academy appropriation act for the fiscal year ending June 30, 1906, cited above.

**Sec. 1339.****Cadets.**

The pay of cadets is fixed at \$500 per annum and one ration per day, or commutation therefor, by a provision of Act June 28, 1902, c. 1300, set forth below.

**ACT JUNE 28, 1902, c. 1300.****Pay of cadets; traveling expenses of candidates.**

\* \* That hereafter the pay of cadets shall be fixed at five hundred dollars per annum and one ration per day, or commutation therefor, such commutation to be thirty cents per day, to be paid from the appropriation for the subsistence of the Army.

Provided further, That hereafter the actual and necessary traveling expenses of candidates while proceeding from their homes to the Military Academy for qualification as cadets shall, if admitted, be credited to their accounts and paid after admission from the appropriation for the transportation of the Army and its supplies: \* \*

Act June 28, 1902, c. 1300, 32 Stat. 409.

These are provisos annexed to an appropriation for pay of cadets in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. A further proviso, following these, as to the number of cadets from the United States at Large, is set forth above.

## Sec. 1341.

### Noncommissioned officers, etc.

Rev. St. § 1111, as amended 1901, set forth in Comp. St. 1901, p. 810, prescribing the composition of the Military Academy Band, is further amended by a provision of Act March 3, 1905, c. 1404, set forth ante, under chapter 1 of this Title, to read as there set forth.

## ACT FEB. 10, 1897, c. 214.

### Number of enlisted men in detachments.

The usual annual appropriations for extra pay of the members of the general Army-service, mentioned in the note under this act in Comp. St. 1901, p. 941, are repeated, with the proviso, also mentioned therein, that such extra pay shall not be paid to any enlisted man who receives extra-duty pay under existing laws or Army regulations, in the subsequent Military Academy appropriation acts. The appropriations for the fiscal year ending June 30, 1906, are by Act March 3, 1905, c. 1404, 33 Stat. pp. 851-853.

## ACT MARCH 2, 1901, c. 804.

### Overseer of waterworks; extra pay.

The provision of this act set forth in Comp. St. 1901, p. 941, is repeated in the Military Academy appropriation act for the fiscal year ending June 30, 1903, Act June 28, 1902, c. 1300, 32 Stat. 418, but is omitted from subsequent similar acts, and in each of them an appropriation is made for an overseer of waterworks. See Act March 3, 1905, c. 1404, 33 Stat. 854.

An appropriation, to remain available until expended, to increase the efficiency of the Military Academy, and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, and to provide for an increased water supply, was made by the Military Academy appropriation act for the fiscal year ending June 30, 1903, Act June 28, 1902, 32 Stat. 419; and provisions relating to the expenditure of such appropriation and the construction of such buildings and other works, and further appropriations, are made by that act and the subsequent similar appropriation acts, Act March 3, 1903, c. 995, 32 Stat. 1021, Act April 28, 1904, c. 1760, 33 Stat. 451, and Act March 3, 1905, c. 1404, 33 Stat. 860.

# TITLE XV.

## THE NAVY.

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### CHAPTER ONE.

#### Organization.

#### **Secs. 1363, 1364.**

**ACT MARCH 3, 1899, c. 413, § 7.**

**Number on the active list of the line; rank, pay, etc.**

The numbers in various grades of the active list of the Navy are increased, and the rank, pay, etc., of the officers added, and promotions to fill vacancies on such increase are regulated by provisions of Act March 3, 1903, c. 1010, set forth below. Thereby the number of lieutenant commanders is increased from 170 to 200; of lieutenants from 300 to 350; and the numbers of officers on the active list of the Medical Corps and the Pay Corps, and of naval constructors and civil engineers, are also increased beyond the limits prescribed by previous provisions.

The number of civil engineers on the active list, limited by this section to 21, was increased by a provision of Act July 1, 1902, c. 1368, set forth below, and a further increase is authorized by a provision of Act March 3, 1903, c. 1010, also set forth below.

A further increase in the number of naval constructors, beyond the number limited by Act March 3, 1899, c. 413, § 10, Comp. St. p. 998, is also authorized by a provision of Act March 3, 1903, c. 1010, set forth below.

#### **ACT JULY 1, 1902, c. 1368.**

##### **Additional civil engineers.**

That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year; and the other three in the calendar year of nineteen hundred and three.

Act July 1, 1902, c. 1368, 32 Stat. 671.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. One additional civil engineer and twelve assistant civil engineers are authorized by a provision of the similar act for the year next following, set forth below.

##### **Additional assistant naval constructors.**

That, in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year and the remaining four in the calendar year of nineteen hundred and three.

Act July 1, 1902, c. 1368, 32 Stat. 683.

This is a further provision of the Navy appropriation act for the fiscal  
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year ending June 30, 1903, cited above. Additional naval constructors and assistant naval constructors are authorized by a provision of the similar act for the year next following, set forth below.

**ACT MARCH 3, 1903, c. 1010.**

**Increase in numbers in grades of active list; rank, promotion, pay, etc.**

The grades of the active list of the Navy hereinafter designated shall be so increased that there shall be thirty additional lieutenant-commanders, in all two hundred; fifty additional lieutenants, in all three hundred and fifty; such total numbers of lieutenants (junior grade) and ensigns as may qualify for said grades under existing law and the provisions of this Act; thirty additional surgeons with the rank of lieutenant-commander, in all eighty-five; one hundred and twenty additional passed assistant and assistant surgeons, with the rank, respectively, of lieutenant and lieutenant (junior grade), in all two hundred and thirty; two additional pay inspectors, in all fifteen; thirty-six additional paymasters, in all seventy-six; twenty-six additional passed assistant and assistant paymasters, in all ninety-six; twenty-nine additional naval constructors and assistant naval constructors, in all seventy-five; one additional civil engineer, in all twenty-eight; and twelve assistant civil engineers, of whom six shall have the rank of lieutenant (junior grade) and six the rank of ensign: Provided, That assistant civil engineers, during the first five years after date of appointment, shall receive, per annum, when on duty, one thousand five hundred dollars, when on leave or waiting orders, one thousand dollars; during the second five years after such date, when on duty, one thousand eight hundred dollars, when on leave or waiting orders, one thousand two hundred dollars; and after ten years from such date, when on duty, two thousand one hundred dollars, and when on leave or waiting orders, one thousand four hundred dollars: And provided further, That promotions in the corps of civil engineers shall be after such examination as the Secretary of the Navy may prescribe.

The increase in the grades of lieutenant-commander and lieutenant provided for in this Act shall be filled by promotion each year of not exceeding twenty-five per centum of the total number of the increase in each of said grades; and not more than twenty-five assistant surgeons, not more than twenty assistant paymasters, nor more than five assistant naval constructors, nor more than three assistant civil engineers, in addition to those necessary to fill vacancies in said grades, shall be appointed in any one calendar year.

Act March 3, 1903, c. 1010, 32 Stat. 1197.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above. The previous provisions fixing the numbers of various grades in the active list of the line of the Navy are contained in Act March 3, 1899, c. 413, § 7, Comp. St. 1901, p. 983; and the provisions fixing the numbers in the various staff corps of the Navy are also set forth under Title XV, "The Navy," c. 1, Comp. St. 1901, pp. 988-999.

**Sec. 1405.****Warrant officers, number and appointment of.**

The appointment of twelve ensigns, in each calendar year, from the boatswains, gunners, and warrant machinists of the Navy, is authorized by provisions of Act March 3, 1901, c. 852, set forth in Comp. St. 1901, p. 987, and of Act March 3, 1903, c. 1010, and Act April 27, 1904, c. 1622, set forth above.

**Sec. 1406.****ACT MARCH 3, 1899, c. 413, §§ 12, 14.****Chief warrant officers, rank, pay, etc.**

Boatswains, gunners, carpenters, and sailmakers, who, by Act March 3, 1899, c. 413, § 12, set forth in Comp. St. 1901, p. 999, after ten years from date of warrant, might be appointed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, are made eligible for such appointment after six years from date of warrant, by a provision of April 27, 1904, c. 1622, set forth above.

**Warrant machinists; appointment; examinations.**

Besides the provisions for warrant machinists contained in Act March 3, 1899, c. 413, §§ 14, 15, appropriations for "as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed twenty in any one year," are made by the Navy appropriation acts for the fiscal years ending June 30, 1905, and June 30, 1906, Act April 27, 1904, c. 1622, 33 Stat. 324, and Act March 3, 1905, c. 1481, 33 Stat. 1092.

**Sec. 1413.****Civil engineers and storekeepers at navy-yards.**

Besides the 21 civil engineers authorized by Act March 3, 1899, c. 413, § 7, Comp. St. 1901, p. 983, 6 additional are authorized by a provision of Act July 1, 1902, c. 1368, and 1 additional civil engineer, in all 28, and 12 assistant civil engineers are authorized by a provision of Act March 3, 1903, c. 1010, set forth above.

**Sec. 1417. [As amended 1876, 1879.]****Enlisted men, number of.**

Besides the increase in the number of enlisted men in the Navy authorized by provisions of a permanent nature, set forth following this section in Comp. St. 1901, pp. 1006, 1007, the annual appropriation acts provide for a greater number in each year. The appropriation for the fiscal year ending June 30, 1903, was for 25,500 men and 2,500 apprentices, Act July 1, 1902, c. 1368, 32 Stat. 682, and an increase each year of 3,000 men over the number for the year preceding is authorized for each of the three years following. The provision for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1481, is set forth below.

**ACT MARCH 3, 1905, c. 1481. [H. R. 18487.]****Number of enlisted men; warrant machinists; apprentices.**

\* \* Pay of petty officers, seamen, landsmen, and apprentices, including men in the engineers' force, and men detailed for duty with Naval Militia, and for the Fish Commission, thirty-four thousand five hundred men; and the number of enlisted men shall be exclusive of

those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed twenty in any one year; and two thousand five hundred apprentices under training at training stations and on board training ships, at the pay prescribed by law. \* \*

Act March 3, 1905, c. 1481, 33 Stat. 1092.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1906, cited above.

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## CHAPTER FIVE.

### The Naval Academy.

#### Sec. 1512.

**ACT AUG. 5, 1882, c. 391, § 1.**

**Title and appointment of naval cadets.**

The title "naval cadet" is changed to "midshipman," by a provision of Act July 1, 1902, c. 1368, set forth below.

The number of midshipmen is increased, and further provisions are made relating to their appointment, admission, etc., by provisions of Act July 1, 1902, c. 1368, and Act March 3, 1903, c. 1010, set forth below.

**ACT JULY 1, 1902, c. 1368.**

**Title "naval cadet" changed to "midshipman"; additional midshipmen.**

The title "naval cadet" is hereby changed to "midshipman."

That until the year nineteen hundred and fourteen, in addition to the naval cadets now authorized by law (the title having been changed by this Act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State.

Act July 1, 1902, c. 1368, 32 Stat. 686.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. Further provisions for the appointment of additional midshipmen for a limited period, contained in the similar act for the year next following, are set forth below.

**ACT MARCH 3, 1903, c. 1010.**

**Additional midshipmen; appointment; housing; midshipman from Porto Rico; ages of candidates for admission.**

There shall be allowed at the Naval Academy two midshipmen for each Senator, Representative, and Delegate in Congress, two for the District of Columbia, and five each year at large: Provided, That the additional Congressional appointments authorized by this Act shall be made at such times as may be determined by the Secretary of the Navy, who shall equitably distribute the increase among the several States, Districts, and Territories, so that ultimately, if practicable, each Senator, Representative, and Delegate may recom-

mend for appointment during each Congress one midshipman. Provided further, That members of the Fifty-seventh Congress who will not be members of the Fifty-eighth Congress, and in whose Districts or States appointments have not been made or vacancies filled in the Fifty-seventh Congress, may immediately upon the passage of this Act make the additional appointments herein provided for.

The Secretary of the Navy shall as soon as practicable after the fifth day of March in each year notify in writing each Senator, Representative, and Delegate in Congress of any vacancy which may be regarded as existing in the State, District, or Territory which he represents, and the nomination of a candidate to fill such vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate. Such recommendation shall be made by the first day of June of that year, and if not so made the Secretary of the Navy shall fill the vacancy by the appointment of an actual resident of the State, District, or Territory in which the vacancy exists, who shall have been for at least two years immediately preceding his appointment an actual bona fide resident of the State, District, or Territory in which the vacancy exists and shall have the qualifications otherwise prescribed by law: And provided further, That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy, and shall not thereafter be reappointed to the Corps of Cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

That the provisions of this Act for the increase of appointments of midshipmen to the Naval Academy shall continue in force until the thirtieth day of June, nineteen hundred and thirteen; and thereafter one midshipman, as now provided by law, shall be appointed for each Senator, Representative, and Delegate in Congress.

That hereafter there shall be at the Naval Academy one midshipman from Porto Rico, who shall be a native of said island, and whose appointment shall be made by the President on the recommendation of the governor of Porto Rico.

That after January first, nineteen hundred and four, all candidates for admission to the Naval Academy at the time of their examination must be between the ages of sixteen and twenty years.

Act March 3, 1903, c. 1010, 32 Stat. 1197.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above. Previous provisions as to the number of naval cadets, now designated midshipmen, were contained in Rev. St. § 1513, Comp. St. p. 1043, and in the Navy appropriation act for the preceding year, set forth above.

Previous provisions for the nomination of candidates to fill vacancies in the Academy, similar to some extent to those of this section, are contained in Rev. St. § 1514, Comp. St. 1901, p. 1043.

Previous provisions as to the ages of candidates for admission, and other qualifications required, are contained in Rev. St. § 1517, and Act March 2, 1889, c. 396, § 2, set forth in Comp. St. 1901, p. 1044.

Previous provisions for the prevention and punishment of hazing at

the Academy are contained in Act June 23, 1874, c. 453, set forth in Comp. St. 1901, p. 1045.

## Sec. 1513.

### Number of midshipmen.

Additional appointments of midshipmen for a limited period are authorized by provisions of Act July 1, 1902, c. 1368, and Act March 3, 1903, c. 1010, set forth above.

## Sec. 1514. [*As amended 1894.*]

### Nomination of candidates.

Provisions similar to those of Rev. St. § 1514, set forth in Comp. St. 1901, p. 1043, but authorizing the nomination of candidates by Senators as well as Representatives and Delegates in Congress, to fill vacancies in the Academy, and requiring the recommendation to be made by the 1st day of June, instead of the 1st day of July, as required by Rev. St. § 1514, are contained in Act March 3, 1903, c. 1010, set forth above, and to that extent may be regarded as superseding the provisions of that section.

## Sec. 1517.

### Qualifications.

Candidates for admission to the Academy are required to be, at the time of examination, between the ages of 16 and 20 years, by a provision of Act March 3, 1903, c. 1010, set forth above.

### ACT MARCH 2, 1889, c. 396, § 2.

[Superseded. Act March 3, 1903, c. 1010.]

The provision of this act fixing the minimum and maximum age of admission of cadets to the Academy, set forth in Comp. St. 1901, p. 1044, is superseded by the requirement that candidates for admission, after January 1, 1904, shall be between the ages of 16 and 20 years, contained in Act March 3, 1903, c. 1010, set forth above.

## Sec. 1519.

### ACT JUNE 23, 1874, c. 453.

### Hazing.

The making of rules to prevent hazing at the Academy, and the expulsion of any cadet found guilty of participating, etc., therein, are required by a provision of Act March 3, 1903, c. 1010, set forth above.

## Sec. 1528.

### Professors of ethics, Spanish, and drawing.

The appointment of professors of mathematics, mentioned in Rev. St. § 1528, Comp. St. 1901, p. 1050, is authorized, and their duties in the instruction of midshipmen are prescribed, by Rev. St. §§ 1399-1401, and Act Jan. 20, 1881, c. 24, set forth in Comp. St. 1901, pp. 997, 998.

Appropriations for pay of professors and others at the Naval Academy for the fiscal year ending June 30, 1906, are made by the Navy appropriation act for that year, Act March 3, 1905, c. 1481, 33 Stat. 1111.

Appropriations for construction of buildings and other improvements

at the Naval Academy, and provisions relating to the expenditure of such appropriations and the construction of such buildings and other works, are contained in the Navy appropriation acts for the fiscal years 1901 and subsequent years: Act June 7, 1900, c. 859, 31 Stat. 696. Act March 3, 1901, c. 852, 31 Stat. 1120. Act July 1, 1902, c. 1308, 32 Stat. 662. Act March 3, 1903, c. 1010, 32 Stat. 1188. Act April 27, 1904, c. 1622, 33 Stat. 337. Act March 3, 1905, c. 1481, 33 Stat. 1104.

## CHAPTER SIX.

### Vessels and Navy-Yards [and Naval Stations].

#### Sec. 1536.

##### **Cruising to assist distressed navigators.**

Besides the provisions for the employment of vessels of the Navy contained in Rev. St. § 1536, and other acts set forth following that section in Comp. St. 1901, pp. 1054, 1055, the detail of vessels to remove or destroy derelicts is authorized by a provision of Act March 3, 1905, c. 1483, § 1, set forth below.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

##### **Detail of vessels to remove or destroy derelicts.**

The President in his discretion may temporarily detail any vessel or vessels of the Navy to remove or destroy derelicts in the course of vessels at sea. The regulations to govern the detail and service of said vessels shall be prescribed by the Secretary of the Navy and approved by the President.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1164.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

#### Sec. 1538.

##### **Repairs on hull and spars.**

The provision of the recent appropriation acts, mentioned in the note under this section in Comp. St. 1901, p. 1057, limiting the amount to be applied to repairs of any wooden ship to ten per cent. of the estimated cost of a new ship, is repeated in the Navy appropriation acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1481, 33 Stat. 1109.

#### Sec. 1546.

**ACT AUG. 7, 1882, c. 433, § 1.**

##### **Naval training station; establishment.**

Provisions for the selection of a site on the Great Lakes for an additional naval training station are contained in the Navy appropriation act for the fiscal year ending June 30, 1903, Act July 1, 1902, c. 1308, 32 Stat. 665.

**ACT APRIL 27, 1904, c. 1622. [H. R. 12220.]**

**Consolidation of power plants at each navy-yard and station under Bureau of Yards and Docks.**

The Secretary of the Navy is hereby authorized, in his discretion, to consolidate the several power plants in any or all of the several navy-yards and stations at each navy-yard and station under the Bureau of Yards and Docks for the generation and distribution of light, heat, and power for all the purposes of the Navy. To the above end all such plants may be transferred from other bureaus to the Bureau of Yards and Docks, and all appropriations heretofore made for power houses and power plants for bureaus other than Yards and Docks are hereby reappropriated and made available under the Bureau of Yards and Docks for the consolidations herein provided for; and to further carry out the purposes of this provision there is hereby appropriated the sum of three hundred thousand dollars.

Act April 27, 1904, c. 1622, 33 Stat. 337.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1905, cited above.

**Sales of pay department stores to civilian employes at naval stations.**

\* \* That pay department stores may be sold to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe.

Act April 27, 1904, c. 1622, 33 Stat. 340.

This is a proviso annexed to an appropriation for provisions, etc., for seamen and marines in the Navy appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the same language in the similar act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1481, 33 Stat. 1107.

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## CHAPTER SEVEN.

### General Provisions Relating to the Navy.

#### Sec. 1552.

##### Coal depots.

The usual appropriations to enable the Secretary of the Navy to execute the provisions of Rev. St. § 1552, set forth in Comp. St. 1901, p. 1065, authorizing him to establish coaling stations for the supply of steamships of war, are continued in the recent Navy appropriation acts. The appropriation for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1481, 33 Stat. 1097.

## CHAPTER EIGHT.

## Pay, Emoluments, and Allowances.

## Sec. 1556.

## General rule.

Payments to civilian employés appointed by the Navy Department at naval stations in the island possessions, until specific appropriation is made for their pay, are authorized by a provision of Act July 1, 1902, c. 1368, set forth below, and by subsequent provisions referred to in the note under that act.

The official salary of naval officers appointed or employed under the Isthmian Canal Act, Act June 28, 1902, c. 1302, set forth post, under Title LXIII, "Rivers and Harbors," subchapter "Isthmian Canal," is required to be deducted from the salary or compensation authorized by said act by section 7 thereof.

## ACT JULY 1, 1902, c. 1368.

## Civilian employés at naval stations in island possessions.

\* \* That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers involved, payments made under the appropriation "Emergency fund" to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year nineteen hundred and two, and until such time as Congress shall make specific appropriation for the pay of such employees.

Act July 1, 1902, c. 1368, 32 Stat. 663.

This is a proviso annexed to the appropriation, under the heading "Emergency Fund," in the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

A further provision of the same act, relating to travel pay of such civilian employés, is set forth below.

Further provisions for the allowance of similar payments under the appropriation "Contingent, Navy," to such civilian employés, during the fiscal years 1905 and 1906, applicable only to those years, respectively, are contained in the Navy appropriation acts for said years, Act April 27, 1904, c. 1622, 33 Stat. 325, and Act March 3, 1905, c. 1481, 33 Stat. 1093.

## Sec. 1566.

## ACT MARCH 3, 1901, c. 852.

## Expenses for travel repeated between two or more places.

The provision of this act set forth in Comp. St. 1901, p. 1078, is repeated in the similar appropriation act for the year next following, with the addition of the word "hereafter," as set forth below.

The purchase by the Navy Department of mileage books, commutation tickets, etc., to be furnished to officers and others ordered to perform travel on official business, is authorized by a provision of Act April 27, 1904, c. 1630, § 1, set forth below.



**ACT JULY 1, 1902, c. 1368.****Expenses for travel repeated between two or more places.**

\* \* That hereafter in cases where orders are given to officers of the Navy or Marine Corps for travel to be performed repeatedly between two or more places in such vicinity as in the discretion of the Secretary of the Navy is appropriate, he may direct that actual and necessary expenses only be allowed.

Act July 1, 1902, c. 1368, 32 Stat. 663.

This is a proviso annexed to the appropriation for pay, miscellaneous, in the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated from the similar appropriation act of the preceding year, the word "hereafter" being inserted, and the provision thereby made permanent.

**Travel pay of civilian employees appointed for duty in islands.**

The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty in the Philippine, Hawaiian, and Samoan islands, the island of Guam, and the island of Porto Rico, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States by the most direct route and with due expedition, a per diem compensation corresponding to their pay while actually employed; and in cases where the appointee is not to fill an existing vacancy his pay while traveling may be charged to the annual appropriation of the bureau concerned.

Act July 1, 1902, c. 1368, 32 Stat. 663.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

A preceding provision of the same act providing for payments to such employees until specific appropriation is made for their pay is set forth above.

**ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]****Mileage books, commutation tickets, etc., for officers and others traveling on official business.**

The accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Navy, all vouchers covering payments for mileage books, commutation tickets, and other similar transportation tickets heretofore purchased by the Navy Department and furnished to officers and civilian inspectors traveling under orders from the Department. And the Secretary of the Navy is hereby authorized to continue to purchase such mileage books, commutation tickets, and other similar transportation tickets as may in his discretion seem necessary, and to furnish same to officers and others ordered to perform travel on official business; and payment for such transportation tickets upon their receipt, in accordance with commercial usage, or prior to the actual performance of the travel involved, shall not be regarded as an advance of public money within the meaning of section thirty-six hundred and forty-eight of the Revised Statutes. \* \*

Act April 27, 1904, c. 1630, § 1, 33 Stat. 403.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

**Sec. 1580.**

[Amended. Act July 1, 1902, c. 1368.]

This section is amended by a provision of Act July 1, 1902, c. 1368, to read as set forth below.

**ACT JULY 1, 1902, c. 1368.****Amendment of Rev. St. § 1580.**

That section fifteen hundred and eighty of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

**Navy ration, constituents.**

"Sec. 1580. The Navy ration shall consist of the following daily allowance of provisions to each person: One pound and a quarter salt or smoked meat, with three ounces of dried or six ounces of canned fruit, and three gills of beans or peas, or twelve ounces of flour; or one pound of preserved meat, with three ounces of dried or six ounces of canned fruit, and twelve ounces of rice or eight ounces of canned vegetables or four ounces of desiccated vegetables; together with one pound of biscuit, two ounces of butter, four ounces of sugar, two ounces of coffee or cocoa or one-half ounce of tea and one ounce of condensed milk or evaporated cream; and a weekly allowance of one-half pound of macaroni, four ounces of cheese, four ounces of tomatoes, one-half pint of vinegar, one-half pint of pickles, one-half pint of molasses, four ounces of salt, one-quarter ounce of pepper, and one-half ounce of dry mustard. Five pounds of lard or a suitable substitute shall be allowed for every hundred pounds of flour issued as bread, and such quantities of yeast as may be necessary."

Act July 1, 1902, c. 1368, 32 Stat. 679.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. Substitutions for the components of the ration are authorized by a further provision of the same act, amending Rev. St. § 1581, as set forth below.

**Sec. 1581.**

[Amended. Act July 1, 1902, c. 1368.]

This section is amended by a provision of Act July 1, 1902, c. 1368, set forth below.

**ACT MAY 3, 1880, c. 73.**

[Repealed. Act July 1, 1902, c. 1368.]

The provision of this act set forth in Comp. St. 1901, p. 1084, is repealed by a provision of Act July 1, 1902, c. 1368, set forth below.

**ACT JULY 1, 1902, c. 1368.****Amendment of Rev. St. § 1581.**

That section fifteen hundred and eighty-one of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

**Substitutions in ration.**

"Sec. 1581. The following substitution for the components of the ration may be made when deemed necessary by the senior officer present in command:

"For one and one-quarter pounds of salt or smoked meat or one pound of preserved meat, one and three-quarters pounds of fresh meat; in lieu of the article usually issued with salt, smoked, or preserved meat, fresh vegetables of equal value; for one pound of biscuit, one and one-quarter pounds of soft bread, or eighteen ounces of flour; for three gills of beans or peas, twelve ounces of flour or rice or eight ounces of canned vegetables, and for twelve ounces of flour or rice or eight ounces of canned vegetables, three gills of beans or peas."

Act July 1, 1902, c. 1368, 32 Stat. 680.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. The provision of Act May 8, 1880, c. 73, authorizing the substitution of desiccated tomatoes for desiccated potatoes in the ration, is repealed by a further provision of this act, set forth below.

**Extra allowance to enlisted men of engineer and dynamo force.**

That an extra allowance of one ounce of coffee or cocoa, two, ounces of sugar, four ounces of hard bread or its equivalent, and four ounces of preserved meat or its equivalent shall be allowed to enlisted men of the engineer and dynamo force when standing night watches between eight o'clock postmeridian and eight o'clock ante-meridian under steam.

Act July 1, 1902, c. 1368, 32 Stat. 680.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. The provision of Rev. St. § 1584, for an additional ration to each seaman at his first turning out, is repealed by a further provision of this act, set forth below.

**Repeal.**

That section fifteen hundred and eighty-four of the Revised Statutes of the United States, and so much of the Act of May third, eighteen hundred and eighty, "making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes," as authorizes the Secretary of the Navy to substitute desiccated tomatoes for desiccated potatoes, are hereby repealed.

Act July 1, 1902, c. 1368, 32 Stat. 680.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

**Sec. 1584.**

[Repealed. Act July 1, 1902, c. 1368.]

This section is repealed by a provision of Act July 1, 1902, c. 1368, set forth above.

**Sec. 1585.****Commutation price of ration.**

The payment of money accruing from commutation of rations of en-

listed men for the benefit of any mess is authorized by a provision of Act July 1, 1902, c. 1368, set forth below.

**ACT JULY 1, 1902, c. 1368.**

**Payment of commutation of rations for benefit of mess.**

That money accruing from the rations of enlisted men commuted for the benefit of any mess may be paid on public bills to the commissary officer by the pay officer having their accounts.

Act July 1, 1902, c. 1368, 32 Stat. 680.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

The annual Navy appropriation acts contain, accompanying the appropriation for provisions for the Navy, various provisions relating to commuted rations. The appropriation for the fiscal year ending June 30, 1906, is as follows:

"Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in cases of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, medical and pay corps and chief boat-swains, chief gunners, chief sailmakers, chief carpenters) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given)." Act March 3, 1905, c. 1481, 33 Stat. 1106.

In the similar provision of the Navy appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1010, 32 Stat. 1190, the words "and midshipmen" were included in the parenthesis immediately preceding them in the provision as set forth above; but by Res. Dec. 17, 1903, No. 1, 33 Stat. 581, this was not to be so construed as to deprive midshipmen of the benefit of commuted rations as provided by Rev. St. § 1577, Comp. St. 1901, p. 1082.

**Sec. 1587.**

**Funeral expenses.**

An appropriation, to be available until used, for bringing home the remains of officers and men of the Navy and Marine Corps who die abroad, is made by a provision of Act Feb. 18, 1904, c. 160, § 1, set forth below.

**ACT FEB. 18, 1904, c. 160, § 1. [H. R. 10954.]**

**Bringing home remains of officers and men dying abroad.**

Bringing home remains of officers and men, Navy and Marine Corps, who die abroad: To enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action, ashore or afloat, outside of the continental limits of the United States, fifteen thousand dollars: Provided, That the sum herein appropriated shall be available for transportation of the remains of officers and men who have died or who have been killed while on duty at any time since April twenty-first, eighteen hundred and ninety-eight, and

shall be available until used, and applicable to past as well as future obligations.

Act Feb. 18, 1904, c. 160, § 1, 33 Stat. 28.

This is a provision of the urgent deficiency act for the fiscal year ending June 30, 1904, cited above.

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## CHAPTER NINE.

### The Marine Corps.

#### Secs. 1596, 1597.

##### **ACT MARCH 3, 1899, c. 413, §§ 18, 23.**

##### **Composition of active list of line; filling vacancies created.**

Additions to the numbers of officers authorized by Act March 3, 1899, c. 413, § 18, set forth in Comp. St. 1901, p. 1090, and to the enlisted force of the Marine Corps are authorized by provisions of Act July 1, 1902, c. 1368, Act March 3, 1903, c. 1010, and Act March 3, 1905, c. 1481, set forth below.

The commandant of the Marine Corps has the rank, pay, and allowances of a major-general in the army, until a vacancy shall occur in the office, on the expiration of the service of the present incumbent, by a provision of Act July 1, 1902, c. 1368, set forth below.

##### **Enlisted force.**

Additions to the enlisted force of the Marine Corps, prescribed by Act March 3, 1899, c. 413, § 23, set forth in Comp. St. 1901, p. 1092, are authorized by provisions of Act July 1, 1902, c. 1368, Act March 3, 1903, c. 1010, and Act March 3, 1905, c. 1481, set forth below.

##### **ACT MARCH 3, 1899, c. 421.**

##### **Number of enlisted men exclusive of men imprisoned under sentence of dishonorable discharge.**

The provision of this act set forth in Comp. St. 1901, p. 1092, is repeated in the same language in the similar appropriation acts for the subsequent years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1481, 33 Stat. 1113.

##### **ACT JULY 1, 1902, c. 1368.**

##### **Rank, pay, etc., of commandant.**

That from and after the date of the approval of this Act, the commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army, and when a vacancy shall occur in the office of commandant of the corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the commandant of the Marine Corps shall thereafter have the rank, pay, and allowances of a brigadier-general.

Act July 1, 1902, c. 1368, 32 Stat. 686.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

**Additional enlisted force.**

In addition to the enlisted force of the Marine Corps now authorized by law there may be enlisted ten gunnery-sergeants, forty sergeants, sixty corporals, ten drummers, ten trumpeters, and six hundred and twenty privates.

Act July 1, 1902, c. 1368, 32 Stat. 687.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. Further additions are authorized by provisions of the similar appropriation acts for subsequent years, set forth below.

**ACT MARCH 3, 1903, c. 1010.****Additional officers and enlisted force; filling vacancies.**

That from and after the passage of this Act, and in order to further increase the efficiency of the Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps, are hereby authorized and directed, namely: One colonel, one lieutenant-colonel, five majors, twelve captains, twenty-five first lieutenants, twelve second lieutenants, one assistant adjutant and inspector with the rank of lieutenant-colonel, two assistant adjutants and inspectors with the rank of major, one assistant quartermaster with the rank of lieutenant-colonel, five assistant quartermasters with the rank of captain, one assistant paymaster with the rank of lieutenant-colonel, one assistant paymaster with the rank of captain, one sergeant-major, forty quartermaster-sergeants, twelve first sergeants, sixty-five sergeants, fifty-five corporals, ten drummers, ten trumpeters, and five hundred and twenty-seven privates: Provided, That the vacancies now existing in the line and the staff departments of the Marine Corps and those created by this Act below the grade of brigadier-general shall be filled, respectively, first by promotion by seniority and then by selection and appointment as now provided by law, excepting that vacancies in the grade of second lieutenant shall be filled first, as far as practicable, from graduates of the Naval Academy each year on completing the prescribed course at the Naval Academy, exclusive of the probationary tour of sea service before final graduation, then from meritorious noncommissioned officers and from civil life between the ages of twenty-one and twenty-seven years: Provided, That the commissions of officers now in the Marine Corps shall not be vacated by this Act: And provided further, That officers selected for appointment to fill vacancies in the grade of field officers in any of the staff departments shall be taken from officers on the active list not below the grade of captain and who have seen not less than seven years' service as commissioned officers in the Marine Corps. And that appointments to the grade of captain in any of the staff departments shall be made from officers on the active list of the Marine Corps not below the grade of first lieutenant.

Act March 3, 1903, c. 1010, 32 Stat. 1198.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above. Additional enlisted men are authorized by a provision of Act March 3, 1905, c. 1481, set forth below.

**ACT MARCH 3, 1905, c. 1481. [H. R. 18467.]**

**Additional enlisted force.**

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; \* \* and the following additional enlisted men, namely, ten first sergeants, sixty-seven sergeants, one hundred and forty-two corporals, ten drummers, ten trumpeters, and one thousand privates, \* \*

Act March 3, 1905, c. 1481, 33 Stat. 1113.

This is a provision of an appropriation for "Pay, Marine Corps," in the Navy appropriation act for the fiscal year ending June 30, 1906, cited above.

**Sec. 1612.**

**Pay of Marine Corps.**

The Navy appropriation acts for the fiscal years 1905, 1906, provide for "additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, messmen, signalmen, or holding good conduct medals, pins, or bars." The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1481, 33 Stat. 1113.

**Sec. 1615.**

**ACT MARCH 3, 1901, c. 852.**

**Rations of marines on shore duty.**

The provision of this act set forth in Comp. St. 1901, p. 1098, is repeated in the same language in the similar appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1481, 33 Stat. 1114.

**Sec. 1622.**

**Retirement.**

The retirement of officers of the Marine Corps with creditable records, who served during the civil war, is regulated by a provision of Act April 27, 1904, c. 1622, set forth below.

**ACT APRIL 27, 1904, c. 1622. [H. R. 12220.]**

**Retirement of officers who served during the civil war.**

That officers of the Marine Corps with creditable records who served during the civil war shall, when retired, be retired in like manner and under the same conditions as provided for officers of the Navy who served during the civil war.

Act April 27, 1904, c. 1622, 33 Stat. 849.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1905, cited above.

The retirement of officers of the Marine Corps generally is regulated by Rev. St. §§ 1622, 1623, set forth in Comp. St. 1901, p. 1100.

# TITLE XVI.

## THE MILITIA.

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### Secs. 1625-1660.

[Repealed. Act Jan. 21, 1903, c. 196, § 25.]

These sections, comprising the whole of this Title of the Revised Statutes except section 1661, which makes a permanent annual appropriation for arms and equipments for the militia, are repealed by Act Jan. 21, 1903, c. 196, § 25, set forth below. Other sections of that act provide for the composition, organization, equipment, regulation, and service of the militia.

### ACT JAN. 21, 1903, c. 196.

An Act to Promote the Efficiency of the Militia, and for Other Purposes. (32 Stat. 775.)

#### Composition of militia, and classification as organized militia and reserve militia.

Be it enacted, &c., That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia.

Act Jan. 21, 1903, c. 196, § 1, 32 Stat. 775.

#### Persons exempt.

Sec. 2. That the Vice-President of the United States, the officers judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age: Provided, That nothing in this Act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing who



creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Act Jan. 21, 1903, c. 196, § 2, 32 Stat. 775.

**Organized militia; organization, armament, and discipline; minimum number of enlisted men in organizations; privileges of existing corps.**

Sec. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States, within five years from the date of the approval of this Act: Provided, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: And provided further, That any corps of artillery, cavalry and infantry existing in any of the States at the passage of the Act of May eighth, seventeen hundred and ninety-two, which, by the laws, customs or usages of the said States have been in continuous existence since the passage of said Act under its provisions and under the provisions of Section two hundred and thirty-two and Sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of Title sixteen of the Revised Statutes of the United States relating to the Militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other Militia.

Act Jan. 21, 1903, c. 196, § 3, 32 Stat. 775.

Rev. St. § 232, mentioned in this section, is set forth in Comp. St. 1901, p. 121. It is repealed by section 25 of this act, section 12 of which contains more comprehensive provisions of the same nature.

Rev. St. § 1061, mentioned in this section, is set forth in Comp. St. 1901, p. 1131.

Act May 8, 1792, c. 33, also mentioned in this section, was incorporated in various sections of this Title of the Revised Statutes, which are repealed by section 25 of this act.

Provisions to promote the efficiency of the Reserve Militia, and to encourage rifle practice among the members thereof, are contained in Act March 3, 1905, c. 1416, set forth below.

**Call of President in case of invasion, rebellion, etc.**

Sec. 4. That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Un-

ion in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Act Jan. 21, 1903, c. 196, § 4, 32 Stat. 776.

**Term of service to be specified in call of President.**

Sec. 5. That whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the President.

Act Jan. 21, 1903, c. 196, § 5, 32 Stat. 776.

**Apportionment of number called into service among States, etc.**

Sec. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population.

Act Jan. 21, 1903, c. 196, § 6, 32 Stat. 776.

**Mustering into service.**

Sec. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed and shall be found fit for military service shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States: Provided, however, That any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer upon being called forth as herein prescribed shall be subject to trial by court-martial, and shall be punished as such court-martial may direct.

Act Jan. 21, 1903, c. 196, § 7, 32 Stat. 776.

**Courts martial, composition.**

Sec. 8. That courts-martial for the trial of officers or men of the militia, when in the service of the United States, shall be composed of militia officers only.

Act Jan. 21, 1903, c. 196, § 8, 32 Stat. 776.

Courts martial, summary courts, and courts of inquiry are provided for by the Articles of War, arts. 72-121, and subsequent statutes, set forth in Comp. St. 1901, pp. 959-971.

**Militia in actual service subject to Rules and Articles of War.**

Sec. 9. That the militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States.

Act Jan. 21, 1903, c. 196, § 9, 32 Stat. 776.

The Articles of War are set forth in Title XIV, "The Army," c. 1, Comp. St. 1901, pp. 942-974.

**Pay and allowances of militia in actual service.**

Sec. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

Act Jan. 21, 1903, c. 196, § 10, 32 Stat. 776.

Payment for actual field or camp service for instruction, from the allotment of the state out of the annual appropriation, under Rev. St. § 1661, is provided for by section 14 of this act, set forth below.

Payment for service while participating in encampments, maneuvers, etc., of the Regular Army, is also provided for by section 15 of this act, set forth below.

**Time of commencement of pay; previous expenditures.**

Sec. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this Act, their pay shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

Act Jan. 21, 1903, c. 196, § 11, 32 Stat. 776.

**Adjutant-General in each State, etc.; duties, and returns and reports to Secretary of War; report to Congress.**

Sec. 12. That there shall be appointed in each State, Territory and District of Columbia, an Adjutant-General, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

Act Jan. 21, 1903, c. 196, § 12, 32 Stat. 776.

Previous provisions, that the Secretary of War should lay before Congress in each year an abstract of the returns of the adjutant-generals of the several States of the militia thereof, were contained in Rev. St. § 232, Comp. St. 1901, p. 121.

**Issue of arms, equipments, etc.; exchange of ammunition; exchange of old for new arms; appropriation.**

Sec. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, with-

out charging the cost or value thereof, or any which have been issued since December first, nineteen hundred and one, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms theretofore issued to said State, Territory, or District by the United States: Provided, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State, Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of exchanging or issuing the new arms, accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Act Jan. 21, 1903, c. 196, § 13, 32 Stat. 777.

Rev. St. § 1661, mentioned in this section, making an annual appropriation for arms, etc., for the militia, is set forth in Comp. St. 1901, p. 1131.

Previous provisions for the issue of arms, equipments, etc., for the militia of the States and Territories, are collected under Rev. St. § 1661, Comp. St. 1901, pp. 1131-1134.

Further provisions for supplying arms, equipments, etc., to the organized militia, contained in Act March 2, 1903, c. 975, Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, are set forth below.

Provisions for the sale of magazine rifles and ammunition, ordnance stores, and equipments, for the use of rifle clubs, formed for the promotion of rifle practice, are contained in Act March 3, 1905, c. 1416, set forth below.

**Payment from allotment out of annual appropriation for actual field or camp service for instruction; disbursing officer; accounts.**

Sec. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a state or territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section sixteen hundred and sixty-one of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers

and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement.

Act Jan. 21, 1903, c. 106, § 14, 32 Stat. 777.

Rev. St. § 1661, mentioned in this section, is set forth in Comp. St. 1901, p. 1131.

**Participation in encampments, maneuvers, etc., of Regular Army; pay, etc.; command of military post or camp and of United States officers and troops.**

Sec. 15. That the Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army: Provided, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity.

Act Jan. 21, 1903, c. 106, § 15, 32 Stat. 777.

Provisions for the disbursement as one fund of the sums appropriated for the expenses of the organized militia participating in joint encampment, maneuvers, and field instruction with the Regular Army, and for a statement to Congress of the expenses of such encampments and maneuvers, contained in Act April 23, 1904, c. 1485, are set forth below.

No part of the sums appropriated for support of the Regular Army is to be used for the expenses of the organized militia while engaged in joint encampment, maneuvers, and field instruction as provided by this section, and all payments to the militia under this section are to be made solely from the sums appropriated for such purpose, by provisions of Act April 23, 1904, c. 1485, and Act March 2, 1906, c. 1307, set forth post, under Title XLI, "Appropriations."

**Allowances to officers of militia attending military schools.**

Sec. 16. That whenever any officer of the organized militia shall, upon recommendation of the governor of any State, Territory, or general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States such officer shall receive from the annual appropriation for the support of the Army the same travel allowances, and quarters, or commutation of quarters, to

which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority, and shall also receive commutation of subsistence at the rate of one dollar per day while in actual attendance upon the course of instruction.

Act Jan. 21, 1903, c. 196, § 16, 32 Stat. 778.

**Issue of Army stores, etc.; purchase of additional stores, etc., from War Department.**

Sec. 17. That the annual appropriation made by section sixteen hundred and sixty-one, Revised Statutes, as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

Act Jan. 21, 1903, c. 196, § 17, 32 Stat. 778.

Rev. St. § 1661, mentioned in this section, is set forth in Comp. St. 1901, p. 1131.

**Annual practice marches or camps of instruction, drill or target practice, and inspection, required before annual allotment of funds.**

Sec. 18. That each State or Territory furnished with material of war under the provisions of this or former Acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section sixteen hundred and sixty-one of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than twenty-four times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

Act Jan. 21, 1903, c. 196, § 18, 32 Stat. 778.

Rev. St. § 1661, mentioned in this section, is set forth in Comp. St. 1901, p. 1131.

**Detail of officers of Army to attend encampments of militia; reports.**

Sec. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the

officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

Act Jan. 21, 1903, c. 196, § 19, 32 Stat. 778.

**Detail of officers of Army for duty in connection with militia; revocation.**

Sec. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this Act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War.

Act Jan. 21, 1903, c. 196, § 20, 32 Stat. 779.

The detail or assignment of retired officers of the Army for service with the organized militia in the States or Territories is authorized, and their compensation while so employed is regulated, by provisions of Act March 2, 1903, c. 975, Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth ante, under Title XIV, "The Army," cc. 2, 3.

**Ammunition for instruction in firing and target practice.**

Sec. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

Act Jan. 21, 1903, c. 196, § 21, 32 Stat. 779.

**Pensions for disabilities incurred or in case of death in service of the United States.**

Sec. 22. That when any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

Act Jan. 21, 1903, c. 196, § 22, 32 Stat. 779.

The pension laws are contained in Title LVII, "Pensions," Comp. St. 1901, pp. 3224-3304.

**Examinations as to qualifications for commissions in volunteer forces; certificates; eligibility for commissions and for instruction at military schools; limits of age; apportionment of appointments; restriction of appointments.**

Sec. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may here-

after be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute an eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States other than the Military Academy at West Point and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this Act for officers of the organized militia: Provided, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of thirty; as first lieutenant after he shall have passed the age of thirty-five; as captain after he shall have passed the age of forty; as major after he shall have passed the age of forty-five; as lieutenant-colonel after he shall have passed the age of fifty, or as colonel after he shall have passed the age of fifty-five: And provided further, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: And provided, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

Act Jan. 21, 1903, c. 196, § 23, 32 Stat. 779.

Provisions for the organization of a Volunteer Army in time of war are contained in Act April 22, 1898, c. 187, and subsequent acts, set forth in Comp. St. 1901, pp. 876-883.



**Organization of volunteer forces.**

Sec. 24. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the Act entitled "An Act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April twenty-second, eighteen hundred and ninety-eight.

Act Jan. 21, 1903, c. 196, § 24, 32 Stat. 780.

Act April 22, 1898, c. 187, mentioned in this section, providing for the organization of a Volunteer Army, and subsequent provisions relating to the same subject, are set forth in Comp. St. 1901, pp. 876-883.

**Repeal.**

Sec. 25. That sections sixteen hundred and twenty-five to sixteen hundred and sixty, both included, of title sixteen of the Revised Statutes, and section two hundred and thirty-two thereof, relating to the militia, are hereby repealed.

Act Jan. 21, 1903, c. 196, § 25, 32 Stat. 780.

Rev. St. §§ 1625-1660, repealed by this section, are set forth in Comp. St. 1901, pp. 1121-1130, and Rev. St. § 232, also repealed thereby, is set forth in Comp. St. 1901, p. 121.

**Time of taking effect of act.**

Sec. 26. That this Act shall take effect upon the date of its approval.

Act Jan. 21, 1903, c. 196, § 26, 32 Stat. 780.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]****Disbursement of appropriations for expenses of participation in encampments, maneuvers, etc., of Regular Army; statement of expenses.**

That the following sums be, and are hereby, appropriated for paying the expenses of the organized militia of any State, Territory, or District of Columbia, participating in joint encampment, maneuvers, and field instruction of the Regular Army and militia as provided by sections fifteen and twenty-one of the Act of January twenty-first, nineteen hundred and three, entitled "An Act to promote the efficiency of the militia, and for other purposes."

\* \* [Part of act omitted contains items of appropriation.]

The sums hereby appropriated for the expenses of the organized militia for such joint encampment, maneuvers, and field instruction shall be disbursed as, and for that purpose shall constitute, one fund; and the Secretary of War shall hereafter forward to Congress at its next session a detailed statement of the expenses of such encampments and maneuvers.

Act April 23, 1904, c. 1485, 33 Stat. 265.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

No part of the sums appropriated for support of the Regular Army is to be used for the expenses of the organized militia while engaged in joint encampment, maneuvers, and field instruction of the Regular Army and militia as provided by Act Jan. 21, 1903, c. 196, § 15, set forth above, and all payments to the militia under that section are to be made solely from the sums appropriated for such purpose by provi-

sions of Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth post, under Title XLI, "Appropriations."

### Sec. 1661. [*As amended 1887, 1900.*]

#### **Appropriation for arms and equipments.**

The regularly enlisted, organized, and uniformed active militia who participate in the apportionment of the annual appropriation provided by this section constitute the organized militia, as distinguished from the reserve militia, by Act Jan. 21, 1903, c. 196, § 3, set forth above.

Arms, equipments, etc., may be issued for arming all the organized militia, without charging the cost thereof against the allotment out of the annual appropriation under this section, by Act Jan. 21, 1903, c. 196, § 13, set forth above.

The annual appropriation made by this section is available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department, by Act Jan. 21, 1903, c. 196, § 17, set forth above.

An appropriation for the purpose of fully arming, equipping, and supplying the organized militia, the armament and equipment to remain the property of the United States, is made by a provision of Act March 2, 1903, c. 975, set forth below.

An appropriation for the purpose of procuring field-artillery material for the organized militia, to remain the property of the United States, is made by a provision of Act April 23, 1904, c. 1485, repeated in Act March 2, 1905, c. 1307, set forth below.

#### **ACT FEB. 24, 1897, c. 310, § 1.**

[Superseded. Act Jan. 21, 1903, c. 196, § 13, Act March 2, 1903, c. 975.]

The provisions of this section for issuing Springfield breech-loading rifles for arming all the regularly organized armed and equipped militia, set forth in Comp. St. 1901, p. 1133, are superseded by the provisions for issuing for the same purpose the United States standard service magazine arms, etc., contained in Act Jan. 21, 1903, c. 196, § 13, set forth above, and Act March 2, 1903, c. 975, set forth below.

On receipt of the new arms, each State, Territory, etc., is required to turn in to the Ordnance Department of the Army all United States rifles and carbines in its possession, by a proviso annexed to Act Jan. 21, 1903, c. 196, § 13, set forth above.

#### **ACT MARCH 2, 1903, c. 975.**

##### **Arms and equipments for organized militia.**

\* \* That for the purpose of furnishing the necessary articles requisite to fully arm, equip, and supply each regiment, battalion, squadron, company, troop, battery, signal, engineer, and hospital corps and medical department of the organized militia of the several States, Territories, and the District of Columbia with the same armament and equipment as are now prescribed for corresponding branches of the line or staff in the Regular Army, without cost to said States, Territories, or the District of Columbia, but to remain the property of the United States, and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories, or the commanding general of the militia of the

District of Columbia, to issue the said armament and equipment to the organized militia; and the sum of two million dollars is hereby appropriated and made immediately available until expended for the procurement and issue of the articles constituting the same.

Act March 2, 1903, c. 975, 32 Stat. 941.

This is a proviso annexed to an appropriation for ordnance, ordnance stores, and supplies, in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

The issue of arms and equipments for all the organized militia, without charging the cost thereof against the allotment out of the annual appropriation provided by Rev. St. § 1661, Comp. St. 1901, p. 1131, such arms, etc., to remain the property of the United States, is authorized by Act Jan. 21, 1903, c. 196, § 13, set forth above.

An appropriation for the purpose of procuring field-artillery material for the organized militia, to remain the property of the United States, is made by a provision of Act April 23, 1904, c. 1485, repeated in Act March 2, 1905, c. 1307, set forth below.

Provisions for the sale of magazine rifles, ammunition, ordnance stores, and equipments for the use of rifle clubs, formed for the promotion of rifle practice, are contained in Act March 3, 1905, c. 1416, set forth below.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

**Field-artillery material for organized militia.**

For the purpose of procuring field-artillery material for the organized militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the militia of the District of Columbia, to issue said artillery material to the organized militia;

\* \*

Act April 23, 1904, c. 1485, 33 Stat. 275.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above, followed by an appropriation for the procurement and issue of the articles constituting such material. It is repeated in the same language in the similar act for the fiscal year ending June 30, 1906, Act March 2, 1905, c. 1307, 33 Stat. 840.

**ACT MARCH 3, 1905, c. 1416. [S. 5094.]**

An Act to Promote the Efficiency of the Reserve Militia and to Encourage Rifle Practice among the Members thereof. (33 Stat. 986.)

**Sales of magazine rifles for use of rifle clubs.**

Be it enacted, &c., That the Secretary of War is hereby authorized to sell, at the prices at which they are listed for the Army, upon the request of the governors of the several States and Territories, such magazine rifles belonging to the United States as are not necessary for the equipment of the Army and the organized militia, for the use of rifle clubs formed under regulations prepared by the national board

for the promotion of rifle practice and approved by the Secretary of War.

Act March 3, 1905, c. 1416, § 1, 33 Stat. 986.

**Sales of ammunition, ordnance stores, and equipments for use of rifle clubs.**

Sec. 2. That the Secretary of War is hereby authorized in his discretion to sell to the several States and Territories, as prescribed in section seventeen of the Act approved January twenty-first, nineteen hundred and three, for the use of said clubs, ammunition, ordnance stores, and equipments of the Government standard at the prices at which they are listed for the Army. The practice of the rifle clubs herein provided shall be carried on in conformity to regulations prescribed by the national board for the promotion of rifle practice, approved by the Secretary of War, and the results thereof shall be filed in the office of the Military Secretary of the Army.

Act March 3, 1905, c. 1416, § 2, 33 Stat. 987.

Provisions for a national trophy and medals and prizes to be contested for annually, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, contained in Act March 2, 1905, c. 1307, are set forth ante, under Title XIV, "The Army," c. 1, subchapter "Of Promotions, Brevets, and Certificates of Merit."

## TITLE XVII.

### ARMS, ARMORIES, AND ARSENALS [AND ORDNANCE AND FOR- TIFICATIONS.]

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#### Sec. 1663.

##### **Pay of officers, clerks, etc., at armories.**

All employes of the Ordnance Department whose rate of compensation is annual are to be paid monthly, by a provision of Act April 23, 1904, c. 1485, set forth below.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

##### **Payments to be made monthly; computation of amount.**

Hereafter all employees of the Ordnance Department whose rate of compensation is annual shall be paid monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this provision each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less.

Act April 23, 1904, c. 1485, 33 Stat. 276.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

A similar provision relating to all payments under provisions of Army appropriation acts, when the rate of compensation is annual, contained in Act March 2, 1903, c. 975, is set forth ante, under Title XIV, "The Army," c. 3.

#### Sec. 1667.

##### **Distribution of arms to States, etc.**

The issue of arms and equipments for the organized militia, to remain the property of the United States, is provided for by Act Jan. 21, 1903, c. 196, § 13, and appropriations for furnishing the necessary articles are made by provisions of Act March 2, 1903, c. 975, Act April 27, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth ante, under Title XVI, "The Militia."

Sales of magazine rifles, ammunition, ordnance stores, and equipments, for the use of rifle clubs, are authorized by Act March 3, 1905, c. 1416, set forth ante, under Title XVI, "The Militia."

## [BOARD OF ORDNANCE AND FORTIFICATION.]

**ACT SEPT. 22, 1868, c. 1028, §§ 1, 6.****Board of Ordnance and Fortification; composition; powers and duties.**

Duties prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification are to be performed by the Chief of Staff or other officer designated by the President, by a provision of Act Feb. 14, 1903, c. 553, § 4, set forth ante, under Title XIV, "The Army," c. 1.

**Investigations and tests by Board; limit of expenditures; guns and materials to be of American production.**

The annual fortifications appropriation acts require all materials purchased under their provisions to be of American manufacture, except in cases where, in the judgment of the Secretary of War, it will be to the manifest interest of the United States to purchase such materials in limited quantities abroad, when they shall be admitted free of duty. The provision for the fiscal year 1906 is by Act March 3, 1905, c. 1402, 33 Stat. 848.

## [ORDNANCE MATERIALS, STORES, AND SUPPLIES.]

**ACT JUNE 22, 1874, c. 413.****Sale of unserviceable ordnance stores.**

Special provisions for the sale of serviceable ordnance and ordnance stores, contained in Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, are set forth below.

**ACT MARCH 3, 1875, c. 130, § 1.****Sale of useless ordnance materials.**

Further provisions relating to moneys arising from the disposition of ordnance and ordnance stores, contained in Act April 23, 1904, c. 1485, are set forth below.

**ACT MARCH 1, 1901, c. 677.****Maximum contract price of steel for guns and mortars.**

The provision of this act, limiting the price of steel for guns and mortars, set forth in Comp. St. 1901, p. 1147, is repeated in the same language in the similar appropriation act for the year next following, Act June 6, 1902, c. 1033, 32 Stat. 307. It is again repeated, with a clause excepting nickel steel, in the fortifications appropriation act for the next year, Act March 3, 1903, c. 1000, 32 Stat. 1025; but it does not appear in the subsequent similar acts.

**Right to use invention involved in construction of guns, etc., to be determined before constructing or testing same.**

The further provision of this act, set forth in Comp. St. 1901, pp. 1147, 1148, is also repeated in the same language in the similar appropriation acts for subsequent years. The provision for the year 1906 is by Act March 3, 1905, c. 1402, 33 Stat. 848.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

**Application of moneys arising from disposition of serviceable ordnance and ordnance stores; sale to American designers for development of designs.**

Hereafter all moneys arising from disposition authorized by law and regulation of serviceable ordnance and ordnance stores shall constitute one fund on the books of the Treasury Department, which shall be available to replace ordnance and ordnance stores throughout the fiscal year in which the disposition was effected and throughout the following year. The Secretary of War is hereby authorized to sell to American designers such serviceable ordnance and ordnance stores as may be necessary in the development of designs which may be used in the military service: Provided, That such ordnance and ordnance stores can be spared for the purpose, and funds arising from such sales shall be available to replace like ordnance and ordnance stores.

Act April 23, 1904, c. 1485, 33 Stat. 276.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

**ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]**

**Sale of individual pieces of armament.**

\* \* And individual pieces of United States armament which are not needed on account of historical value, and can be advantageously replaced, may be sold at a price not less than their cost price, when there exist for such sale sentimental reasons adequate in the judgment of the Secretary of War or Secretary of the Navy.

Act March 2, 1905, c. 1307, 33 Stat. 841.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

A provision of the same act, immediately preceding this, relating to moneys arising from deductions made from carriers on account of loss of or damage to military stores, is set forth post, under Title XL, "The Public Moneys."

**ACT MARCH 2, 1901, c. 803.**

[Superseded. Act June 30, 1902, c. 1328.]

The provision of this act that appropriations for the Ordnance Department should not be used in payment of freight charges on ordnance, etc., set forth in Comp. St. 1901, p. 1148, is repeated, with the insertion of the word "hereafter," in the similar appropriation act for the year next following, Act June 30, 1902, c. 1328, as set forth below, which supersedes all previous provisions.

**ACT JUNE 30, 1902, c. 1328.**

\* \* That hereafter no part of the appropriations made for the Ordnance Department shall be used in payment of freight charges on ordnance or ordnance stores issued by said Department.

Act June 30, 1902, c. 1328, 32 Stat. 520.

This is a proviso annexed to the appropriation, under the heading "Ordnance Department," for manufacture, etc., of arms, in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. It re-enacts similar provisos in previous appropriation acts, with the word "hereafter" inserted, making the provision permanent in its operation.

# TITLE XVIII.

## DIPLOMATIC AND CONSULAR OFFICERS.

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### CHAPTER ONE.

#### Diplomatic Officers.

Sec. 1675. [*As amended 1875.*]

**Salaries.**

The diplomatic and consular appropriation acts for the fiscal years 1903, 1904, 1905, and 1906, respectively, provide for various diplomatic officers and salaries, differing, in some instances, from those provided for by the similar act for the fiscal year ending June 30, 1902, which are given in the notes under this section in Comp. St. 1901, pp. 1151, 1152. The appropriations for diplomatic officers for the year ending June 30, 1906, are as follows:

**"SCHEDULE A.**

**"Salaries of Ambassadors and Ministers.**

"Ambassadors extraordinary and plenipotentiary to France, Germany, Great Britain, Mexico, and Russia, at seventeen thousand five hundred dollars each, eighty-seven thousand five hundred dollars;

"Ambassadors extraordinary and plenipotentiary to Brazil, Italy, and Austria-Hungary, at twelve thousand dollars each, thirty-six thousand dollars;

"Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, China, Japan, Cuba, and Spain, at twelve thousand dollars each, sixty thousand dollars;

"Envoys extraordinary and ministers plenipotentiary to Belgium, Chile, Colombia, the Netherlands and Luxemburg, Panama, Peru, Turkey, and Venezuela, at ten thousand dollars each, eighty thousand dollars;

"Envoy extraordinary and minister plenipotentiary to Nicaragua, Costa Rica, and Salvador, ten thousand dollars;

"Envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, ten thousand dollars;

"Envoys extraordinary and ministers plenipotentiary to Denmark, Morocco, Paraguay and Uruguay, Portugal, Roumania and Servia, Sweden and Norway, and Switzerland, at seven thousand five hundred dollars each, fifty-two thousand five hundred dollars;

"Envoy extraordinary and minister plenipotentiary to Greece and Montenegro and diplomatic agent in Bulgaria, seven thousand five hundred dollars;

"Envoys extraordinary and ministers plenipotentiary to Bolivia, Ecuador, Haiti, Korea, Persia, and Siam, at seven thousand five hundred dollars each, forty-five thousand dollars;

"Minister resident and consul-general to Liberia, five thousand dollars;



"Minister resident and consul-general to Santo Domingo, five thousand dollars;

"Agent and consul-general at Cairo, five thousand dollars;

"Chargés d'affaires ad interim and diplomatic officers abroad, thirty-five thousand dollars;

"Total, four hundred and thirty-eight thousand five hundred dollars."

"Salaries of Secretaries of Embassies and Legations.

"Secretaries of embassies to Austria-Hungary, Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand six hundred and twenty-five dollars each, eighteen thousand three hundred and seventy-five dollars;

"Secretaries of legations to China, Japan, and Turkey, at two thousand six hundred and twenty-five dollars each, seven thousand eight hundred and seventy-five dollars;

"Secretary of legation and consul-general to Stockholm, two thousand five hundred dollars;

"Secretaries of legation to Cuba, Panama, and Peru, at two thousand dollars each, six thousand dollars;

"Secretary of legation and consul-general to Colombia, two thousand dollars;

"Secretary of legation to Siam and consul-general at Bangkok, one thousand eight hundred dollars;

"Secretary of legation to Guatemala and Honduras, one thousand eight hundred dollars;

"Secretary of legation to Greece and Montenegro, who shall also be secretary of the diplomatic agency in Bulgaria, with residence at Athens, one thousand eight hundred dollars;

"Secretaries of legations to Chile, Costa Rica, Nicaragua, and San Salvador, one thousand eight hundred dollars each, three thousand six hundred dollars;

"Secretaries of legations to Belgium, Brazil, Denmark, Portugal, the Netherlands and Luxemburg, Spain, and Switzerland, at one thousand eight hundred dollars each, twelve thousand six hundred dollars;

"Secretaries of legations to Argentine Republic and Venezuela, at one thousand eight hundred dollars each, and Liberia and Korea (who shall be consul-general to Seoul), at one thousand five hundred dollars each, six thousand six hundred dollars;

"Secretary of legation and consul-general to Roumania and Servia, one thousand five hundred dollars;

"Second secretaries of embassies to Austria-Hungary, Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand dollars each, fourteen thousand dollars;

"Second secretaries of legations to Japan and China, who shall be American students of the language of the court and country to which they are appointed, respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at one thousand eight hundred dollars each, three thousand six hundred dollars;

"Second secretary of legation to Turkey, who shall be an American student of the language of Turkey, and shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of such language, one thousand eight hundred dollars;

"Second secretary of legation to Cuba, one thousand five hundred dollars;

"Third secretaries of embassies to Great Britain, France, Mexico, Germany, and Russia, at one thousand two hundred dollars each, six thousand dollars;

"Total, ninety-three thousand three hundred and fifty dollars."

"Salaries of Interpreters to Legations.

"Chinese secretary, legation to China, and interpreter to legation to Turkey, at three thousand dollars each, six thousand dollars;

"Assistant Chinese secretary to the legation to China, to be appointed from the corps of student interpreters, two thousand dollars;

"Interpreter to legation to Japan, two thousand five hundred dollars;

"Interpreter to legation and consulate-general to Persia, one thousand dollars;

"Interpreter to legation and consulate-general to Korea, five hundred dollars;

"Interpreter to legation and consulate-general to Bangkok, Siam, five hundred dollars;

"For ten student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legations and consulates in China, at one thousand dollars each, ten thousand dollars: Provided, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan so far as may be consistent with aptness and fitness for the intended work: And provided further, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the legations and consulates in China so long as his said services may be required within a period of ten years;

"For the payment of the cost of tuition of student interpreters at the legation to China at the rate of one hundred and twenty-five dollars per annum each, to be immediately available, one thousand two hundred and fifty dollars;

"Total, twenty-three thousand seven hundred and fifty dollars.

"But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer."

Act March 3, 1905, c. 1407, 33 Stat. 915-917.

The sums thus appropriated are, as in previous acts, "severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year," and these provisions cannot be deemed permanent.

The differences between these provisions and those made for the fiscal year ending June 30, 1902, as stated in the notes under this section in Comp. St. 1901, pp. 1151, 1152, are as follows:

Ambassadors extraordinary and ministers plenipotentiary to Brazil and to Austria-Hungary, at \$12,000 each, are provided for, instead of an envoy extraordinary and minister plenipotentiary to each.

The appropriation for the envoy extraordinary and minister plenipotentiary to the Argentine Republic is \$12,000, instead of \$10,000.

An envoy extraordinary and minister plenipotentiary to Cuba, at \$12,000, is included, a similar appropriation having been made by Act May 16, 1902, c. 792, 32 Stat. 199, and subsequent acts.

The envoy extraordinary and minister plenipotentiary to the Netherlands, provided for in previous acts, is designated such envoy and minister to the Netherlands and Luxemburg.

An envoy extraordinary and minister plenipotentiary to Panama, at \$10,000, is included, an appropriation at that rate having been made by Act Feb. 18, 1904, c. 160, 33 Stat. 15, and Act March 12, 1904, c. 543, 33 Stat. 68.

An envoy extraordinary and minister plenipotentiary to Morocco, at \$7,500, is included.

An envoy extraordinary and minister plenipotentiary to Roumania and Serbia, at \$7,500, and an envoy extraordinary and minister plenipotentiary to Greece and Montenegro and diplomatic agent in Bulgaria, also at \$7,500, are provided for, instead of an envoy extraordinary and minister plenipotentiary to Roumania, Serbia, and Greece; the former provision making the consul-general at Constantinople agent at Sofia having been omitted.

The provision that the envoy extraordinary to Haiti be accredited as chargé d'affaires to Santo Domingo is omitted, the provision for the preceding year having been repealed by Act April 27, 1904, c. 1630, 33 Stat. 394, and instead thereof a minister resident and consul-general to Santo Domingo, at \$5,000, is provided for.

Envoys extraordinary and ministers plenipotentiary to Korea, to Persia, and to Siam, at \$7,500 each, are provided for, instead of a minister resident and consul-general to each.

The appropriation for the minister resident and consul general to Liberia is \$5,000 instead of \$4,000.

A secretary of embassy to Austria-Hungary, at \$2,625, is provided for, instead of a secretary of legation, and a second secretary of embassy, at \$2,000, is also provided for.

The appropriation for the secretary of legation to Turkey is \$2,625 instead of \$1,800.

The appropriation for the secretary of legation and consul general to Stockholm is \$2,500 instead of \$1,500.

A secretary of legation to Cuba, at \$2,000, and a second secretary of legation, at \$1,500, are included, similar appropriations having been made by Act May 16, 1902, c. 792, 32 Stat. 199, and subsequent acts.

A secretary of legation to Panama, at \$2,000, is included, an appropriation at that rate having been made by Act Feb. 18, 1904, c. 160, 33 Stat. 15, and Act March 12, 1904, c. 543, 33 Stat. 69.

The appropriation for the secretary of legation to Peru is \$2,000 instead of \$1,800.

A secretary of legation to Siam and consul-general at Bangkok, at \$1,800, is included.

A secretary of legation to Greece and Montenegro, to be also secretary of the diplomatic agency in Bulgaria, at \$1,800, and a secretary of legation and consul-general to Roumania and Servia, at \$1,500, are provided for, instead of a secretary of legation to Roumania, Servia, and Greece.

Secretaries of legation to Belgium, Denmark, Portugal, and Switzerland, at \$1,800 each, are included.

The secretary of legation to the Netherlands, provided for in previous acts, is designated secretary of legation to the Netherlands and Luxemburg.

The appropriation for a secretary of legation to Korea is accompanied by a provision that he shall be consul-general to Seoul.

The appropriation for the second secretary of the legation to Turkey is \$1,800 instead of \$1,600.

A third secretary of embassy to Russia, at \$1,200, is included.

Besides the Chinese secretary, legation to China, at \$3,000, an assistant Chinese secretary to the legation, to be appointed from the corps of student interpreters, is included.

## Sec. 1678.

### Interpreter of legation to Turkey.

An interpreter to the legation to Turkey, at \$3,000, is provided for by Act March 3, 1905, c. 1407, 33 Stat. 917.

## Sec. 1679.

### Interpreter of legation to Japan.

An interpreter to the legation to Japan, at \$2,500, is provided for by Act March 3, 1905, c. 1407, 33 Stat. 917. Other appropriations and provisions mentioned in the note under this section in Comp. St. 1901, p. 1154, as contained in previous diplomatic and consular appropriation acts, are repeated in said act. A provision for student interpreters at the legation to China, contained in Act March 22, 1902, c. 272, 32 Stat. 78, is also repeated in each subsequent diplomatic and consular appropriation act.

## Sec. 1682.

### Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.

An envoy extraordinary and minister plenipotentiary to Nicaragua, SUPP. '05—16

Costa Rica, and Salvador, and another to Guatemala and Honduras, at \$10,000 each, are provided for by the diplomatic and consular appropriation act for the fiscal year ending June 30, 1904, Act Feb. 9, 1903, c. 530, 32 Stat. 807, and the subsequent similar acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 915.

### Sec. 1683.

#### **Representatives to Hayti, Liberia, etc.**

So much of the former provision for an envoy extraordinary and minister plenipotentiary to Haiti as required him to be accredited also as chargé d'affaires to Santo Domingo was repealed by Act April 27, 1904, c. 1630, 33 Stat. 394, and a minister resident and consul-general to Santo Domingo, instead of a consul-general, is also provided for by that act and by the diplomatic and consular appropriation act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1407, 33 Stat. 916.

A minister resident and consul-general to Liberia, at \$5,000, is provided for by said Act March 3, 1905, c. 1407, 33 Stat. 916.

### Sec. 1687.

#### **ACT MARCH 3, 1875, c. 130, § 1.**

#### **Rent of buildings for legation at Pekin.**

An appropriation of \$3,600 for rent of buildings for legation and other purposes at Pekin, or such other place in China as shall be designated, is made by the diplomatic and consular appropriation acts for the fiscal years 1903, 1904, 1905, and 1906. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 918.

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## CHAPTER TWO.

### **Consular Officers.**

### Sec. 1690.

#### **Appointment and salaries of consular officers.**

The diplomatic and consular appropriation acts for the fiscal years 1903, 1904, 1905, and 1906, respectively, provide for various consular officers and salaries, differing, in some instances, from those provided for by the similar act for the fiscal year ending June 30, 1902, which are given in the notes under this section and the schedules following it in Comp. St. 1901, pp. 1159-1171. The appropriations for consular officers for the year ending June 30, 1906, are as follows:

#### **"SCHEDULE B.**

#### **"Salaries, Consular Service.**

#### **Consuls-General.**

"For salaries of consuls-general at the following places, namely: Calcutta, Constantinople, Cape Town (Africa), Habana, Hongkong, London, Ottawa, Paris, Rio de Janeiro, and Shanghai, at five thousand dollars each, fifty thousand dollars;

"Melbourne and Tientsin, at four thousand five hundred dollars each, nine thousand dollars;

"Berlin, Canton, Mexico City, Montreal, Mukden, Panama, Saint Petersburg, and Yokohama, at four thousand dollars each, thirty-two thousand dollars;

"Antwerp, Callao, Halifax, Hamburg, Singapore, and Vienna, at three thousand five hundred dollars each, twenty-one thousand dollars;

"Apia and Nukualofa, Barcelona, Buenos Ayres, Coburg, Dresden, Frankfort, Guayaquil, Marseilles, Monterey, Rome, and Rotterdam, at three thousand dollars each, thirty-three thousand dollars;

"Auckland (New Zealand), Christiana, Munich, and Tangier, at two thousand five hundred dollars each, ten thousand dollars;

"Guatemala City (Guatemala), Maracaibo, and San Salvador, at two thousand dollars each, six thousand dollars;

"Total for salaries of consuls-general, one hundred and sixty-one thousand dollars."

"Consuls.

"For salaries of consuls at the following places, namely:

"Class I.

"At five thousand dollars per annum.

"Liverpool, England.

"Class II.

"At three thousand five hundred dollars per annum.

"Amoy, China.

"Antung, Manchuria.

"Bremen, Germany.

"Chefoo, China.

"Dalny, Manchuria.

"Dawson City, Northwest Territory.

"Havre, France.

"Kobé, Japan.

"Lourenço Marquez, Africa.

"Niuchwang, China.

"Pretoria, South Africa.

"Saint Gall, Switzerland.

"Southampton, England.

"Forty-five thousand five hundred dollars."

"Class III.

"At three thousand dollars per annum.

"Barmen, Germany.

"Bahia, Brazil.

"Basle, Switzerland.

"Belfast, Ireland.

"Bombay, India.

"Bordeaux, France.

"Bradford, England.

"Chunking, China.

"Cienfuegos, Cuba.

"Colon, Panama.

"Fuchau, China.

"Georgetown, Guiana.

"Glasgow, Scotland.

"Hankau, China.

"Hangchow, China.

"Kingston, Jamaica.

"Lyons, France.

"Manchester, England.

"Montevideo, Uruguay.

"Nagasaki, Japan.

"Nanking, China.

"Nottingham, England.

"Nuremberg, Germany.

"Odessa, Russia.  
 "Para, Brazil.  
 "Pernambuco, Brazil.  
 "Prague, Austria.  
 "Quebec, Canada.  
 "Santiago de Cuba.  
 "Santos, Brazil.  
 "Valparaiso, Chile.  
 "Vera Cruz, Mexico.  
 "Ninety-six thousand dollars."

"Class IV.

"At two thousand five hundred dollars per annum.  
 "Aix la Chapelle, Germany.  
 "Amsterdam, Netherlands.  
 "Annaberg, Germany.  
 "Athens, Greece.  
 "Barbados, West Indies.  
 "Barranquilla, Colombia.  
 "Birmingham, England.  
 "Brussels, Belgium.  
 "Burslem, England.  
 "Calais, France.  
 "Chemnitz, Germany.  
 "Ciudad Juarez, Mexico.  
 "Ciudad Porfirio Diaz, Mexico.  
 "Cologne, Germany.  
 "Colombo, Ceylon.  
 "Dundee, Scotland.  
 "Edinburgh, Scotland.  
 "Huddersfield, England.  
 "Jerusalem, Syria.  
 "Liege, Belgium.  
 "Mainz, Germany.  
 "Plauen, Germany.  
 "Reichenberg, Austria.  
 "Saint Thomas, West Indies.  
 "San Juan del Norte, Nicaragua.  
 "Sheffield, England.  
 "Smyrna, Turkey.  
 "Stuttgart, Germany.  
 "Swansea, Wales.  
 "Sydney, New South Wales.  
 "Three Rivers, Canada.  
 "Toronto, Canada.  
 "Trinidad, West Indies.  
 "Vancouver, British Columbia.  
 "Victoria, British Columbia.  
 "Vladivostock, Siberia.  
 "Zurich, Switzerland.  
 "Ninety-two thousand five hundred dollars."

"Class V.

"At two thousand dollars per annum.  
 "Acapulco, Mexico.  
 "Algiers, Africa.  
 "Amherstburg, Canada.  
 "Bamberg, Germany.  
 "Beirut, Syria.  
 "Belize, Honduras.  
 "Bergen, Norway.  
 "Berne, Switzerland.  
 "Breslau, Germany.

"Brunswick, Germany.  
 "Budapest, Austria-Hungary.  
 "Cardiff, Wales.  
 "Chatham, Canada.  
 "Chihuahua, Mexico.  
 "Collingwood, Canada.  
 "Copenhagen, Denmark.  
 "Cork, Ireland.  
 "Crefeld, Germany.  
 "Curaçao, West Indies.  
 "Dublin, Ireland.  
 "Dunfermline, Scotland.  
 "Dusseldorf, Germany.  
 "Freiburg, Germany.  
 "Geneva, Switzerland.  
 "Genoa, Italy.  
 "Ghent, Belgium.  
 "Glauchau, Germany.  
 "Hamilton, Bermuda.  
 "Hamilton, Canada.  
 "Hanover, Germany.  
 "Hull, England.  
 "Jamestown, Saint Helena.  
 "Kehl, Germany.  
 "La Guayra, Venezuela.  
 "Leeds, England.  
 "Leghorn, Italy.  
 "Leipzig, Germany.  
 "London, Canada.  
 "Lucerne, Switzerland.  
 "Magdeburg, Germany.  
 "Malta Islands, Great Britain.  
 "Managua, Nicaragua.  
 "Mannheim, Germany.  
 "Martinique, West Indies.  
 "Mazatlan, Mexico.  
 "Milan, Italy.  
 "Moscow, Russia.  
 "Nantes, France.  
 "Naples, Italy.  
 "Nassau, New Providence.  
 "Newcastle-on-Tyne, England.  
 "Nuevo Laredo, Mexico.  
 "Palermo, Italy.  
 "Port Limon, Costa Rica.  
 "Port Louis, Mauritius.  
 "Port Stanley, Falkland Islands.  
 "Puerto Cortez, Honduras.  
 "Rheims, France.  
 "Rosario, Argentine Republic.  
 "Roubaix, France.  
 "Saint Etienne, France.  
 "Saint John, New Brunswick.  
 "Saint Johns, Newfoundland.  
 "Saint Thomas, Canada.  
 "San Jose, Costa Rica.  
 "Sarnia, Ontario.  
 "Sherbrooke, Canada.  
 "Solingen, Germany.  
 "Sydney, Nova Scotia.  
 "Tamatave, Madagascar.  
 "Tampico, Mexico.  
 "Tamsui, Formosa.

"Tegucigalpa, Honduras.  
"Teneriffe, Spain.  
"Trebizond, Turkey.  
"Trieste, Austria.  
"Valencia, Spain.  
"Weimar, Germany.  
"Winnipeg, Canada.  
"Yarmouth, Nova Scotia.  
"Zanzibar, Zanzibar.  
"Zittau, Germany.  
"One hundred and sixty-four thousand dollars."

"Class VI.

"At one thousand five hundred dollars per annum.  
"Aden, Arabia.  
"Alexandretta, Syria.  
"Antigua, West Indies.  
"Asuncion, Paraguay.  
"Batavia, Java.  
"Bristol, England.  
"Brockville, Canada.  
"Cape Haitien, Haiti.  
"Cartagena, Colombia.  
"Castellamare di Stabia, Italy.  
"Catania, Italy.  
"Ceiba, Honduras.  
"Charlottetown, Prince Edward Island.  
"Coaticook, Quebec.  
"Cornwall, Canada.  
"Durango, Mexico.  
"Ensenada, Mexico.  
"Florence, Italy.  
"Fort Erie, Canada.  
"Funchal, Madeira.  
"Gaspé Basin, Canada.  
"Gibraltar, Spain.  
"Goderich, Ontario.  
"Gothenberg, Sweden.  
"Grenoble, France.  
"Guadeloupe, West Indies.  
"Guelph, Canada.  
"Harput, Turkey.  
"Hermosillo, Mexico.  
"Jalapa, Mexico.  
"Kingston, Ontario.  
"La Rochelle, France.  
"Limoges, France.  
"Malaga, Spain.  
"Matamoras, Mexico.  
"Messina, Italy.  
"Moncton, New Brunswick.  
"Niagara Falls, Ontario.  
"Nice, France.  
"Nogales, Mexico.  
"Orillia, Ontario.  
"Patras, Greece.  
"Port au Prince, Haiti.  
"Port Deitrick, Nicaragua.  
"Port Hope, Ontario.  
"Prescott, Ontario.  
"Progreso, Mexico.  
"Puerto Cabello, Venezuela.  
"Rouen, France.



"Saint Christopher, West Indies.  
 "Saint Hyacinthe, Quebec.  
 "Saint Johns, Quebec.  
 "Saint Michaels, Azores.  
 "Saint Pierre, Saint Pierre Island.  
 "Saint Stephen, New Brunswick.  
 "Saltillo, Mexico.  
 "Seville, Spain.  
 "Sierra Leone, Africa.  
 "Sivas, Turkey.  
 "Stanbridge, Canada.  
 "Stettin, Germany.  
 "Stratford, Canada.  
 "Turin, Italy.  
 "Turks Island, West Indies.  
 "Venice, Italy.  
 "Wallaceburg, Ontario.  
 "Windsor, Ontario.  
 "Woodstock, New Brunswick.  
 "One hundred and two thousand dollars."

#### "SCHEDULE C.

##### "Class VII.

"At one thousand dollars per annum.  
 "Colonia, Uruguay.  
 "Riga, Russia.  
 "Tahiti, Society Islands.  
 "Stavenger, Norway.  
 "Uttilla, Honduras.  
 "Windsor, Nova Scotia.  
 "Six thousand dollars.  
 "Total salaries of consuls, five hundred and eleven thousand dollars."

Act March 3, 1905, c. 1407, 33 Stat. 921.

Appropriations for a consul-general at Mukden, Manchuria, a consul at Antung, Manchuria, and a consul at Dalny, Manchuria, were made, for the balance of the fiscal year 1904, by the urgent deficiency act of Feb. 18, 1904, c. 160, 33 Stat. 16.

The consulate at Erzerum, Turkey, was transferred to Trebizond, Turkey, by a provision of Act April 27, 1904, c. 1630, set forth below.

#### **ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]**

##### **Consulate at Erzerum transferred to Trebizond.**

The consulate at Erzerum, Turkey, is hereby transferred to Trebizond, Turkey, and the appropriations for salary of consul at the former place for nineteen hundred and four and nineteen hundred and five may be applied to payment of salary of consul at Trebizond, Turkey.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 394.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

#### **Sec. 1692.**

##### **ACT JUNE 11, 1874, c. 275, § 3.**

##### **Interpreters to consulates in China and Japan.**

Annual appropriations for interpreters to be employed at consulates in China, Korea, and Japan, for an interpreter at Vladivostok, Siberia, and

**Sec. 1712.** [*As amended 1888.*]**Commercial [and agricultural] reports.**

Further provisions for obtaining information and statistics for the Department of Commerce and Labor are contained in the act establishing that department. Section 5 of that act requires all consular officers of the United States, including consuls-general, consuls, and commercial agents, to gather and compile information and statistics in respect to the subjects, jurisdiction and control of which is vested in the Department of Commerce and Labor, and to send, under direction of the Secretary of State, as often as required by the Secretary of Commerce and Labor, reports of the information and statistics thus gathered and compiled. Act Feb. 14, 1903, c. 552, § 5, ante, under Title XII A, "The Department of Commerce and Labor." And section 11 of that act provides for the designation by the Secretary of State of a person to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Commerce and Labor, and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, such information as pertains to the work of the Department of Commerce and Labor. Act Feb. 14, 1903, c. 552, § 11, ante, under Title V, "The Department of State."

**Sec. 1734.** [*As amended 1898.*]**Embezzlement.**

Further provisions, declaring guilty of embezzlement and making punishable every consular officer who accepts any appointment from a foreign state as administrator, guardian, etc., without giving bond, or who fails to account for, etc., any money, property, etc., received in such capacity, are contained in Act June 30, 1902, c. 1331, set forth above.

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## CHAPTER THREE.

**Provisions Common to Diplomatic and Consular Officers.****Sec. 1740.****Term during which salary is payable.**

The usual appropriation for payment of salaries under the provisions of this section is made by the diplomatic and consular appropriation act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1407, 33 Stat. 917.

**Sec. 1744.****ACT MARCH 2, 1901, c. 802.****Payment of salaries of consular officers not citizens.**

The provision of this act set forth in Comp. St. 1901, p. 1194, is repeated in the same language in the diplomatic and consular appropriation acts for the fiscal years 1903, 1904, and 1905, Act March 22, 1902, c. 272, 32 Stat. 86, Act Feb. 9, 1903, c. 530, 32 Stat. 818, and Act March 12, 1904, c. 543, 33 Stat. 78, but is omitted from the similar act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1407, 33 Stat. 915.

**Sec. 1749.**

**Allowance to widow of consular officer deceased in a foreign country.**

Appropriations for payments, under the provisions of this section, to widows or heirs at law of diplomatic or consular officers dying in foreign countries, are made by the diplomatic and consular appropriation acts for each year. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1906, c. 1407, 33 Stat. 919.

Appropriations are also made by those acts for "defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular clerks, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, at their post or at home." Act March 3, 1906, c. 1407, 33 Stat. 919.

# TITLE XIX.

## PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS.

### Sec. 1763.

#### Double salaries.

Each annual sundry civil appropriation act contains a provision "that all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year." The provision for the fiscal year ending June 30, 1906, is by Act March 8, 1905, c. 1483, § 2, 33 Stat. 1214.

Provisions for the division of annual salaries into equal installments for each calendar month, and of such monthly installments and of monthly salaries into a rate per day, are contained in Act April 28, 1904, c. 1762, § 4, set forth below.

#### ACT APRIL 28, 1904, c. 1762, § 4. [H. R. 14416.]

#### Division of annual compensation into monthly installments, and of monthly installment or compensation into rate for each day.

That the annual compensation of officers, agents, and employees of the United States for services rendered subsequent to June thirtieth, nineteen hundred and four, shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month, one-thirtieth of one of such installments, or of a monthly compensation, shall be the rate to be paid for each day. For the purpose of computing such compensation each and every month shall be held to consist of thirty days, without regard to the actual number of days in any month, thus excluding the thirty-first day of any month from the computation, and treating February as if it actually had thirty days.

Act April 28, 1904, c. 1762, § 4, 33 Stat. 513.

Similar provisions, relating to annual and monthly rates of compensation under army appropriation acts, contained in Act March 2, 1903, c. 975, are set forth ante, under Title XIV, "The Army," c. 3.

### Sec. 1765.

#### Extra allowances.

Restrictions on the use of money, appropriated by any act, for paying expenses of horses and carriages or drivers therefor, for the personal use of officers, or for purchasing, maintaining, driving, or operating carriages or vehicles, for the personal or official use of any officer or employé of any of the Executive Departments or other Government establishments at Washington, D. C., contained in Act March 18, 1904, c. 716, § 3, and Act Feb. 3, 1905, c. 237, § 4, are set forth below.

**ACT MARCH 18, 1904, c. 716, § 3. [H. R. 9480.]**

**Restrictions on payment from appropriations of expenses of horses, carriages, etc., for personal use of officers.**

No part of any money appropriated by this or any other Act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for by this or any other Act other than the President of the United States, the heads of Executive Departments, and the Secretary to the President: Provided, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July first, nineteen hundred and four.

Act March 18, 1904, c. 716, § 3, 33 Stat. 142.

This is the concluding portion of section 3 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

A further similar provision, applicable only to officers or employes of the Executive Departments or other Government establishments at Washington, D. C., contained in the similar act for the fiscal year next following, Act Feb. 3, 1905, c. 297, § 4, is set forth below.

Nothing in this act is to be construed so as to deprive officers of the Army of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the Army appropriation act for the same fiscal year, Act April 23, 1904, c. 1485, 33 Stat. 268, by a provision of that act, which is re-enacted in a provision of the Army appropriation act for the year next following, Act March 2, 1905, c. 1307, set forth ante, under Title XIV, "The Army," c. 8.

**ACT FEB. 3, 1905, c. 297, § 4. [H. R. 15895.]**

**Restrictions on payment from appropriations of expenses of carriages or vehicles for personal or official use; carriages and vehicles for official purposes to have thereon name of Department, etc.**

No part of any money appropriated by this or any other Act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the Executive Departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the Executive Departments or other Government establishments at Washington, District of Columbia, unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used.

Act Feb. 3, 1905, c. 297, § 4, 33 Stat. 687.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

A previous similar provision contained in the similar act for the preceding year, Act March 18, 1904, c. 716, § 3, is set forth above.

Nothing in this act or any other act is to be construed so as to deprive officers of the Army of forage, bedding, shoeing, or shelter for their

authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the Army appropriation act for the same fiscal year, Act March 2, 1905, c. 1307, by a provision of that act, set forth ante, under Title XIV, "The Army," c. 3.

### Sec. 1773.

#### Commissions.

The commissions of officers who are under the Secretaries or other heads of the several Executive Departments are to be made out and recorded in the respective Departments under which they are to serve, and the Department seal affixed thereto, by provisions of Act March 28, 1896, c. 73, set forth in Comp. St. 1901, p. 91, and other acts referred to in the note under that act, in Comp. St. 1901, p. 92, and by Act March 3, 1905, c. 1422, set forth ante, under Title IV, "Provisions Applicable to All the Executive Departments."

Provisions requiring commissions of all officers employed in levying or collecting the public revenue to be made out and recorded in the Treasury Department, and the seal of the Department to be affixed thereto, are contained in Rev. St. § 238, Comp. St. 1901, p. 130.

### Sec. 1778.

#### Taking oaths, acknowledgments, etc.

Provisions for acknowledgment of deeds, etc., in the Philippine Islands and Porto Rico, affecting land in the District of Columbia or any Territory, are contained in Act March 22, 1902, c. 273, set forth below.

#### ACT MARCH 22, 1902, c. 273.

An Act for the Acknowledgment of Deeds and Other Instruments in the Philippine Islands and Porto Rico Affecting Land Situate in the District of Columbia or Any Territory of the United States (32 Stat. 88.)

#### Acknowledgments in Philippine Islands and Porto Rico of deeds, etc., affecting land in District of Columbia or any Territory.

Be it enacted, &c., That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the Philippine Islands and Porto Rico before any notary public appointed therein by proper authority or any officer therein who has ex officio the powers of a notary public: Provided, That the certificate by such notary in the Philippine Islands or in Porto Rico, as the case may be, shall be accompanied by the certificate of the attorney-general of Porto Rico or the governor or attorney-general of the Philippine Islands to the effect that the notary taking said acknowledgment was in fact the officer he purported to be.

Act March 22, 1902, c. 273, 32 Stat. 88.

### Sec. 1785.

#### Punishment for aiding, etc., in importing or trading in obscene literature.

The provisions referred to in this section, set forth in Comp. St. 1901 p. 1214, prohibiting importing, etc., obscene or indecent publications or

articles, which were contained, as stated in the note under the section in Comp. St. 1901, p. 1214, in Rev. St. § 2491, were superseded by the similar provisions of subsequent tariff acts. The corresponding provision of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 16, is set forth in Comp. St. 1901, p. 1696.

## Sec. 1790.

**ACT FEB. 24, 1899, c. 187, § 4.**

**Officers, clerks, etc., permanently incapacitated; prohibition of civil pension roll, etc.**

The first sentence of this section, as set forth in Comp. St. 1901, p. 1217, providing that the appropriations made should not be available for the compensation of persons permanently incapacitated, is repeated in the same language in the legislative, executive, and judicial appropriation acts for the fiscal years 1903 and 1904. In the similar act for the fiscal year ending June 30, 1905, Act March 18, 1904, c. 716, § 3, instead of the words "permanently incapacitated," the words "incapacitated, otherwise than temporarily," are inserted, as set forth below; and this language is repeated in the similar act for the next following fiscal year.

**ACT MARCH 18, 1904, c. 716, § 3. [H. R. 9480.]**

**Officers, clerks, etc., incapacitated, otherwise than temporarily.**

That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated, otherwise than temporarily, for performing such service.

Act March 18, 1904, c. 716, § 3, 33 Stat. 142.

This is a part of section 3 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905. The remaining portion of the section, containing restrictions on payments from appropriations of expenses of horses, carriages, etc., for personal use of officers, is set forth above.

A provision, differing from this only in the use of the words "permanently incapacitated," where this provision reads "incapacitated, otherwise than temporarily," contained in Act Feb. 24, 1899, c. 187, § 4, is set forth in Comp. St. 1901, p. 1217, and repeated in similar acts, as stated in the note under that provision in Comp. St. 1901, p. 1217. The provision as set forth here is repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 3, 33 Stat. 687.

### [CIVIL SERVICE.]

**ACT JAN. 16, 1883, c. 27, §§ 3, 7.**

**Chief examiner; secretary; stenographer; messenger; boards of examiners; examinations.**

Annual appropriations, under the head "Civil Service Commission," for the officers, etc., authorized by Act Jan. 16, 1883, c. 27, § 3, set forth in Comp. St. 1901, p. 1220, and additional examiners, clerks, and other employes, and for expenses of the Commission, are made by the legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 642. By one of the provisions of that act the clerical force previously employed in the Civil Service Commission, and detailed thereto from the Post-Office Department and the postal service, for the rural

carrier examining board, is transferred to the rolls of the Commission; and by a proviso annexed thereto, no detail of clerks or other employés from the Executive Departments or other Government establishments in Washington, D. C., to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1906.

**Appointments and promotions to be made upon examinations.**

The additional clerks on the temporary rolls and other employés rendered necessary because of increased work incident to the war with Spain, authorized by various acts, as stated in the note under this section in Comp. St. 1901, p. 1222, are transferred to the classified service by Act April 28, 1902, c. 594, § 3, set forth below.

Immigrant inspectors and other immigration officers, clerks, and employés are to be appointed, and their compensation fixed and raised or decreased from time to time, in accordance with the provisions of this act, by a provision of Act March 3, 1903, c. 1012, § 24, post, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Employés of the Census Office who are appointed to the permanent Census Office established by Act March 6, 1902, c. 139, post, under Title XXXI, "The Census," are placed, without further examination, under the provisions of this act and the amendments thereto and the rules established thereunder, and all new appointments to the permanent clerical force in the Census Office are to be made in accordance with the requirements of this act, by provisions of section 5 of said act.

Certain special agents employed in the Census Office at other than the special work committed to them, under Act March 6, 1902, c. 139, § 10, set forth post, under Title XXXI, "The Census," are transferred to the classified service by a provision of Act March 18, 1904, c. 716, § 1, also set forth post, under Title XXXI, "The Census."

The classified laborers in the Department of Agriculture whose positions are transferred from the lump funds to the statutory rolls in the appropriations for the Department by Act March 3, 1905, c. 1405, are placed in the classified service by a provision of that act set forth ante, under Title XII, "The Department of Agriculture," c. A.

The clerks and laborers of the force employed on June 30, 1905, in the office of the Third Assistant Postmaster-General, on work in connection with stamped-paper agencies and previously paid from appropriations made in the post-office appropriation act for pay of agents and assistants to distribute postal cards, are transferred to the rolls of the office of the Third Assistant Postmaster-General, and placed in the classified service, by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth ante, under Title IX, "The Post-Office Department."

**ACT APRIL 28, 1902, c. 594, § 3.**

**Temporary clerks and employés transferred to classified service.**

That the additional clerks on the temporary rolls and other employees rendered necessary because of increased work incident to the war with Spain, and under the Act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures and for other purposes, heretofore appointed and who are now employed in the several departments of the Government, are hereby transferred to the classified service as of their present grade or rate of compensation, respectively, and shall be continued in the several departments where now employed, without further examination, subject, however, to transfer, promotion, or removal the same as other clerks and employees in the classified service. And the several appropriations herein made for such clerks and employees under the several departments



and offices shall be available for payment of the salaries of all clerks and employees transferred to the classified service under this provision. And the appropriations made for such temporary clerks and employees for the fiscal year nineteen hundred and two shall also be available for payment of the salaries of all such clerks and employees herein transferred for the balance of the current fiscal year.

Act April 28, 1902, c. 594, § 3, 32 Stat. 171.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

SUPP. '05—17

## TITLE XX.

### FLAG AND SEAL.

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#### **Sec. 1793.**

##### **Seal of the United States.**

An appropriation to enable the Secretary of State to have the Great Seal of the United States recut was made by the deficiency appropriation acts for the fiscal years ending June 30, 1902, and June 30, 1903, Act July 1, 1902, c. 1351, 32 Stat. 552, and Act March 3, 1903, c. 1006, 32 Stat. 1032.

#### **Sec. 1794.**

##### **Secretary of State to keep and use the seal.**

Commissions of all officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor are to be made out and recorded in the Post-Office Department and the Department of Commerce and Labor, respectively, and the Department seal affixed thereto, by Act March 3, 1905, c. 1422, set forth ante, under Title IV, "Provisions Applicable to All the Executive Departments."

Similar provisions relating to commissions of officers under the direction and control of the Secretaries or other heads of other Departments are contained in Act March 28, 1896, c. 73, set forth in Comp. St. 1901, p. 91, and other acts referred to in the note under that act, in Comp. St. 1901, p. 92.

## TITLE XXI.

### SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS [AND GROUNDS, PARKS, AND RESERVATIONS.]

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#### Sec. 1797.

[Amended. Act April 28, 1902, c. 594.]

This section is amended by Act April 28, 1902, c. 594, to read as set forth below.

**ACT APRIL 28, 1902, c. 594.**

**Amendment of Rev. St. § 1797.**

Section seventeen hundred and ninety-seven of the Revised Statutes of the United States is hereby amended to read as follows:

**Chief of Engineers to have charge of public buildings and grounds.**

"Sec. 1797. That the Chief of Engineers shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President, through the War Department, except those buildings and grounds which are otherwise provided for by law; and when it shall be made to appear to the said Chief of Engineers, or to the officer under his direction having immediate charge of said public buildings and grounds, that any person or persons is in unlawful occupation of any portion of said public lands in the District of Columbia, it shall be the duty of said officer in charge thereof to notify the marshal of the District of Columbia in writing of such unlawful occupation, and the said marshal shall thereupon cause the said trespasser or trespassers to be ejected from said lands, and shall restore possession of the same to the officer charged by law with the custody thereof."

Act April 28, 1902, c. 594, 32 Stat. 152.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

The use of public buildings, other than the Capitol and the White House, for public ceremonies is forbidden by a further provision of the same act, set forth below.

The temporary use of certain grounds and reservations for playgrounds may be authorized, by a provision of Act Aug. 30, 1890, c. 837, § 1, re-enacted by Act March 3, 1903, c. 1007, set forth below.

**Use of public buildings for ceremonies of inauguration of President or other public function forbidden.**

That hereafter no public building, or the approaches thereto, other

than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States, or other public function, except as may hereafter be expressly authorized by law.

Act April 28, 1902, c. 594, 32 Stat. 152.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

## Sec. 1815.

**ACT MARCH 3, 1903, c. 1012, § 34.**

**Intoxicating liquors not to be sold in Capitol.**

Sec. 34. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

Act March 3, 1903, c. 1012, § 34, 32 Stat. 1221.

This section is a part of an act to regulate immigration, cited above, other provisions of which are set forth post, under Title XXIX, "Immigration."

## Sec. 1816.

**Repairs, etc., of Capitol.**

The office of Architect of the Capitol is designated Superintendent of the Capitol Building and Grounds by the provision of Act Feb. 14, 1902, c. 17, set forth below.

Further provisions relating to furniture for the House of Representatives, contained in Act April 28, 1902, c. 594, are set forth below.

**ACT FEB. 14, 1902, c. 17.**

**Superintendent of Capitol Building and Grounds; powers; appointment.**

Hereafter the office of Architect of the Capitol shall be designated as Superintendent of the Capitol Building and Grounds, and the Superintendent of the Capitol Building and Grounds shall hereafter exercise all the power and authority heretofore exercised by the Architect of the Capitol, and he shall be appointed by the President: Provided, That no change in the architectural features of the Capitol building or in the landscape features of the Capitol grounds shall be made except on plans to be approved by Congress.

Act Feb. 14, 1902, c. 17, 32 Stat. 20.

This is a provision of the urgent deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

The power and authority previously exercised by the Architect of the Capitol, which by this provision are to be exercised by the Superintendent of the Capitol Building and Grounds, were conferred by Rev. Stat. § 1816, and subsequent provisions set forth under that section and Rev. Stat. § 1817, in Comp. St. 1901, pp. 1236-1239.

Further powers in regard to furniture for the House of Representatives are conferred by the provision of Act April 28, 1902, c. 594, set forth below.

The construction of a building for committee rooms, folding room, and other offices for the House of Representatives, and for necessary offices and rooms for members thereof, such construction and the letting of con-

tracts, including the employment of all necessary skilled and other service, to be under the control of the Superintendent of the Capitol Building and Grounds, subject to the direction and supervision of a commission composed of members of the House, is provided for by the sundry civil appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 1, 32 Stat. 1113; and a further appropriation toward the construction of the building, to continue available until expended, is made by the similar act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1483, § 1, 33 Stat. 1182.

The construction, in connection with the office building for the House of Representatives mentioned above, of a building for a heating, lighting, and power plant, the installation of necessary machinery, the construction of ducts, heating mains, subways, and traction system connecting the Capitol building, and other appliances, the building to be of sufficient size and capacity to furnish the necessary heat, light, and power for the office building of the House of Representatives, the Capitol building, the Congressional Library building, and other public buildings which may be erected on grounds adjacent to the Capitol grounds at the east of the Capitol building and facing it, the Superintendent of the Capitol Building and Grounds to have charge of the construction of said building and equipment and subway system, subject to the direction and supervision of the House Commission appointed to direct and supervise the construction of the office building for the House of Representatives, is provided for by the sundry civil appropriation act for the fiscal year ending June 30, 1905, Act April 28, 1904, c. 1762, § 1, 33 Stat. 479; and a further appropriation, to continue the construction of the building, and for the other purposes mentioned, is made by the similar act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1483, § 1, 33 Stat. 1183.

The acquisition of a site for and the construction of a building for committee rooms, folding rooms, and other offices for the Senate and for necessary office rooms for Senators, the site to be acquired and the building constructed under the direction and supervision of a commission composed of three Senators, and the construction thereof and letting of contracts therefor, including employment of skilled and other services, to be under the control of the Superintendent of the Capitol Building and Grounds, subject to the direction and supervision of said commission, is provided for by the sundry civil appropriation act for the fiscal year ending June 30, 1905, Act April 28, 1904, c. 1762, § 1, 33 Stat. 481; and an appropriation for completing the acquisition of a site for and toward the construction of the building is made by the urgent deficiency act of Jan. 5, 1905, c. 24, 33 Stat. 603; and a further appropriation toward the construction of the building, to continue available until expended, is made by the sundry civil appropriation act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1483, § 1, 33 Stat. 1182.

A joint commission composed of three Senators and three members of the House of Representatives was created and authorized to inquire and report to Congress plans in detail and estimates of cost for the extension and completion of the Capitol building, in accordance with the original plans, with such modifications thereof as they may deem advantageous or necessary, and the Superintendent of the Capitol Building and Grounds, under the direction and supervision of said commission, or such commission as shall be authorized by Congress, is to conduct the making of all contracts for said construction, when the same shall be authorized by Congress, and to employ such professional and personal services in connection with said work, when so authorized, as may be necessary, by provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1906, Act April 28, 1904, c. 1762, § 1, 33 Stat. 481.

Appropriations for various employes under the Superintendent of the Capitol Building and Grounds are made by the legislative, executive, and judicial appropriation acts each year. The provision for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 678.

**ACT APRIL 28, 1902, c. 594.****Furniture for House of Representatives.**

Hereafter the Superintendent of the Capitol Building and Grounds shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture hereafter required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the said Superintendent.

Act April 28, 1902, c. 594, 32 Stat. 125.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

**Sec. 1825.****ACT MARCH 3, 1901, c. 830, § 1.****Capitol police to wear uniform while on duty.**

The provision of this act set forth in Comp. St. 1901, p. 1244, is repeated in the legislative, executive, and judicial appropriation act for each of the fiscal years 1904 and 1905, Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 857, and Act March 18, 1904, c. 716, § 1, 33 Stat. 89, but it is not repeated in connection with the appropriation for the Capitol police in the similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 634.

**Sec. 1826.****ACT AUG. 5, 1882, c. 389.****Powers and duties of watchmen in public squares and reservations.**

The watchmen in public squares and reservations are to receive free medical attendance by a provision of Act April 28, 1902, c. 594, set forth below.

**ACT APRIL 28, 1902, c. 594.****Medical attendance for watchmen in public squares and reservations.**

That the park watchmen now provided for under the above heading of public buildings and grounds, and those that may hereafter be provided for by law for service in any of the public squares and reservations in the District of Columbia, shall receive free medical attendance the same as the Metropolitan Police of said District.

Act April 28, 1902, c. 594, 32 Stat. 152.

This is a provision, under the heading "Public Buildings and Grounds," of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

**Sec. 1835.****ACT AUG. 30, 1890, c. 837, § 1.****Use of public grounds for children's playgrounds.**

The provision of this act for authorizing the temporary use of certain public grounds for children's playgrounds, set forth in Comp. St. 1901, p. 1249, is superseded by the re-enactment thereof, with the word "hereafter" inserted, by a provision of Act March 3, 1903, c. 1007, set forth below.

**ACT MARCH 3, 1903, c. 1007.****Use of public grounds for playgrounds.**

The officer in charge of public buildings and grounds may hereafter authorize the temporary use of the Monument Grounds or grounds south of the Executive Mansion or other reservations in the District of Columbia for playgrounds for children and adults, under regulations to be prescribed by him.

Act March 3, 1903, c. 1007, 32 Stat. 1122.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above, which re-enacts a similar provision of Act Aug. 30, 1890, c. 837, § 1, set forth in Comp. St. 1901, p. 1249, making the provision permanent in form by the insertion of the word "hereafter," and extending its language to include playgrounds for children and adults.



## TITLE XXII.

### THE STATES.

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#### **Sec. 1838.**

**ACT FEB. 10, 1905, c. 571.** [H. R. 18280.]

An Act to Extend the Western Boundary Line of the State of Arkansas. (33 Stat. 714.)

#### **Extension of western boundary line of State of Arkansas.**

Be it enacted, &c., That the consent of the United States is hereby given for the State of Arkansas to extend her western boundary line so as to include all that strip of land in the Indian Territory lying and being situate between the Arkansas State line adjacent to the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, described as follows, namely: Beginning at a point on the south bank of the Arkansas River one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running southwesterly along the south bank of the Arkansas River to the mouth of the Poteau; thence at right angles with the Poteau River to the center of the current of said river; thence southerly up the middle of the current of the Poteau River (except where the Arkansas State line intersects the Poteau River) to a point in the middle of the current of the Poteau River opposite the mouth of Mill Creek, and where it is intersected by the middle of the current of Mill Creek; thence up the middle of Mill Creek to the Arkansas State line; thence northerly along the Arkansas State line to the point of beginning: Provided, That nothing in this Act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said part of said Indian Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this Act had not been passed.

Act Feb. 10, 1905, c. 571, 33 Stat. 714.

#### **ACT MARCH 1, 1905, c. 1295.** [S. 7117.]

An Act Establishing that Portion of the Boundary Line between the State of South Dakota and the State of Nebraska South of Union County, South Dakota. (33 Stat. 820.)

#### **Establishment of part of boundary line between State of South Dakota and State of Nebraska.**

Be it enacted, &c., That the portion of the boundary line between the



State of South Dakota and the State of Nebraska lying and being south of Union County, South Dakota, shall be in the middle of the main channel of the Missouri River as now existing, and the compact between said States establishing said boundary line is hereby approved.

Act March 1, 1905, c. 1295, 33 Stat. 820.

## TITLE XXVII.

### THE FREEDMEN.

#### Sec. 2035.

[Repealed. Act July 1, 1902, c. 1351.]

This section, set forth in Comp. St. 1901, p. 1276, is repealed by provision of Act July 1, 1902, c. 1351, set forth below.

#### ACT JULY 1, 1902, c. 1351.

##### **Repeal of Rev. St. § 2035; disposition of retained bounty fund.**

Retained bounty fund: That section two thousand and thirty-five of the Revised Statutes is hereby repealed, and the unexpended balance of the fund formerly in the custody of the Freedmen's Bureau and referred to in said section is hereby covered into the Treasury as "Miscellaneous receipts": Provided, That upon application by parties entitled to any portion of the moneys so covered in, the Secretary of the Treasury is authorized and directed to pay the amount found due in the same manner and from the same appropriation as claims for bounty to volunteer soldiers are now paid.

Act July 1, 1902, c. 1351, 32 Stat. 556.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, cited above. Rev. St. § 2035, Comp. St. 1901, p. 1276, repealed by this provision, constituted the Secretary of War trustee of a retained bounty fund of certain colored soldiers. Further provisions relating to the fund are contained in Rev. St. §§ 2036, 2037, Comp. St. 1901, pp. 1276, 1277.

#### Sec. 2038.

##### **Freedmen's Hospital in District of Columbia, continued, etc.**

Provisions for the construction of a new Freedmen's Hospital building, and for care and treatment of persons therein, and for the expense and maintenance thereof, contained in Act March 3, 1903, c. 1007, § 1; Act April 28, 1904, c. 1702, § 1, and Act March 3, 1905, c. 1483, § 1, are set forth below.

#### ACT MARCH 3, 1903, c. 1007, § 1.

##### **Construction of new Freedmen's Hospital; lease of ground; medical and surgical service.**

Freedmen's Hospital: For the construction of a new Freedmen's Hospital building and accessories on the ground now occupied by the Freedmen's Hospital, fifty thousand dollars, said buildings to be constructed upon plans to be approved by the Supervising Architect of the Treasury and the Superintendent of the Capitol Building and Grounds, and sufficient when completed to provide for not less than

two hundred patients; and the Secretary of the Interior is authorized to enter into a contract or contracts for the construction of said buildings at a cost not exceeding three hundred thousand dollars which sum, including the amount herein appropriated, shall be paid one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia: Provided, That before any portion of the sum herein appropriated shall be expended, the proper authorities owning the ground upon which said buildings are to be erected shall lease the same to the Government of the United States at an annual rental of one dollar per annum during the period of their occupation of the same: Provided further, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or the District of Columbia.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1113.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

Subsequent provisions relating to the same subjects, contained in Act April 28, 1904, c. 1762, § 1, and Act March 3, 1905, c. 1483, § 1, are set forth below.

**ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

**Construction of new Freedmen's Hospital; retrocession of ground to Howard University and lease thereof to United States.**

Freedmen's Hospital: The appropriation of fifty thousand dollars made by the sundry civil appropriation Act for the fiscal year nineteen hundred and four is hereby continued for the fiscal year nineteen hundred and five: Provided, That the tract of land lying and being between Sixth and Fourth streets and between Pomeroy and College streets, in the city of Washington, District of Columbia, containing approximately eleven acres of ground, be, and the same is hereby, retroceded to Howard University, upon the condition that the said Howard University shall make and execute to the United States a perpetual lease for the nominal rental of one dollar per annum, and that upon the execution of such lease to the satisfaction of the Secretary of the Interior, said Secretary shall cause to be erected on the ground so retroceded and leased the new hospital for freedmen provided for by the Act above referred to.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 488.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above. The provision of Act March 3, 1903, c. 1007, § 1, referred to therein, is set forth above.

Subsequent provisions relating to the construction of the new Freedman's Hospital, and the management, expenses, and maintenance thereof, contained in Act March 3, 1905, c. 1483, § 1, are set forth below.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

**Construction of new Freedmen's Hospital; contracts for care and treatment of persons from District of Columbia; estimates for expenses and maintenance.**

For the construction of the new Freedmen's Hospital building, as provided in the sundry civil appropriation acts approved March third,

nineteen hundred and three, and April twenty-eighth, nineteen hundred and four, respectively, two hundred and fifty thousand dollars.

The Secretary of the Interior is authorized to enter into contract with the Board of Charities of the District of Columbia for the care and treatment of persons from the District of Columbia admitted to the Freedmen's Hospital; and any money that may be received, from this source, on and after July first, nineteen hundred and five, shall be paid to the Secretary of the Interior, to be applied to the uses and purposes of the hospital.

Hereafter estimates for expenses and maintenance of the Freedmen's Hospital and Asylum shall be submitted by the Secretary of the Interior.

That the sum of fifty thousand dollars, appropriated by the sundry civil appropriation Act approved March third, nineteen hundred and three, and sums hereafter appropriated under authority conveyed in said Act, for the construction of a new Freedmen's Hospital building and accessories shall be paid wholly from the Treasury of the United States, and any part of said sum or sums already expended from the revenues of the District of Columbia shall be reimbursed and credited to said revenues, and said appropriation shall be available during the fiscal year nineteen hundred and six.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1190.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. The provisions of Act March 3, 1903, c. 1007, § 1, and of Act April 28, 1904, c. 1762, § 1, referred to in this act, are set forth above.

# TITLE XXIX.

## IMMIGRATION.

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### [REGULATION AND RESTRICTION OF IMMIGRATION IN GENERAL.]

**ACT MARCH 3, 1875, c. 141, §§ 3, 5.**

[Superseded. Act March 3, 1903, c. 1012.]

These sections, set forth in Comp. St. 1901, pp. 1286-1288, are superseded by the similar provisions relating to the same subjects of Act March 3, 1903, c. 1012, §§ 2, 3, and other sections, set forth below.

**ACT AUG. 3, 1882, c. 376.**

[Superseded. Act Feb. 14, 1903, c. 552, §§ 4, 7, 10. Act March 3, 1903, c. 1012, § 1.]

Section 1 of this act, set forth in Comp. St. 1901, p. 1288, which imposes a head-money duty on alien passengers, and constituted the money thus collected an "immigrant fund," is superseded by the similar provisions of Act March 3, 1903, c. 1012, § 1, set forth below.

The provisions of sections 2-4 of this act, set forth in Comp. St. 1901, p. 1289, for the execution of the act by the Secretary of the Treasury, and for regulations, etc., to be prescribed by him, are superseded by the transfer of the immigration service, and of jurisdiction and powers over immigration, from the Treasury Department to the Department of Commerce and Labor, by the act establishing that department, Act Feb. 14, 1903, c. 552, §§ 4, 7, 10, ante, Tit. XII A, "The Department of Commerce and Labor." But, by a proviso in section 7 of that act, nothing contained in the act is to be construed to alter the method of collecting and accounting for the head-tax prescribed by section 1 of this act.

The words "Secretary of the Treasury," wherever used in acts relating to alien immigration, are stricken out, and the words "Secretary of Commerce and Labor" are inserted in lieu thereof, by Res. April 28, 1904, No. 84, set forth below.

All duties imposed and powers conferred by section 2 of this act on state commissioners, boards, and officers, acting under contract with the Secretary of the Treasury, were to be performed and exercised by the inspection officers of the United States, by a provision to that effect of Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1299, which is superseded by the subsequent provisions imposing such duties and conferring such powers on immigration officers, contained in Act March 3, 1903, c. 1012, § 16, set forth below.

The provisions of section 4 of this act, set forth in Comp. St. 1901, p. 1289, for the return of foreign convicts to the countries whence they came, are superseded by the more comprehensive provisions excluding certain classes of aliens, among them persons convicted of felony or other crime or misdemeanor involving moral turpitude, and providing for the return of aliens brought into the country in violation of law, contained in Act March 3, 1903, c. 1012, §§ 2, 19-21, set forth below.



**ACT JUNE 26, 1884, c. 121, § 22.**

[Superseded. Act March 3, 1903, c. 1012, § 1.]

The provision of this act, set forth in Comp. St. 1901, p. 1290, exempting from head-money duty passengers coming by certain vessels from Canada or Mexico, is superseded by the more comprehensive exceptions from levy of such duty contained in Act March 3, 1903, c. 1012, § 1, set forth below.

**ACT FEB. 26, 1885, c. 164.**

[Superseded. Act Feb. 14, 1903, c. 552, §§ 4, 7, 10. Act March 3, 1903, c. 1012, §§ 4-8, 19-21.]

Sections 1-5 of this act, set forth in Comp. St. 1901, pp. 1290-1293, which related to the importation of aliens under contract for labor, are superseded by the similar provisions of Act March 3, 1903, c. 1012, §§ 4-8, set forth below. And the provisions of section 8 of this act, for the return of persons included in the prohibition of the act to the countries whence they came, are superseded by the more comprehensive provisions for the return of aliens brought into the country in violation of law, contained in Act March 3, 1903, c. 1012, §§ 19-21, set forth below.

The provision of sections 6-8 of this act, set forth in Comp. St. 1901, pp. 1292, 1293, for the execution of the act by the Secretary of the Treasury, and for regulations, etc., to be prescribed by him, are superseded by the transfer of the immigration service, and of jurisdiction and powers over immigration, from the Treasury Department to the Department of Commerce and Labor, by the act establishing that department, Act Feb. 14, 1903, c. 552, §§ 4, 7, 10, ante, Tit. XII A, "The Department of Commerce and Labor."

The words "Secretary of the Treasury," wherever used in acts relating to alien immigration, are stricken out, and the words "Secretary of Commerce and Labor" are inserted in lieu thereof, by Res. April 2, 1904, No. 34, set forth below.

**ACT OCT. 19, 1888, c. 1210, § 1.****Return of immigrants landed unlawfully; payment to informer of share of penalty.**

So much of the provisions of this act, set forth in Comp. St. 1901, p. 1294, as relates to the return of immigrants allowed to land contrary to Act Feb. 23, 1887, c. 220, amending Act Feb. 26, 1885, c. 164, is superseded by the more comprehensive provisions for the return of aliens brought into the country in violation of law, contained in Act March 3, 1903, c. 1012, §§ 19-21, set forth below.

The words "Secretary of the Treasury," wherever used in acts relating to alien immigration, are stricken out, and the words "Secretary of Commerce and Labor" are inserted in lieu thereof, by Res. April 2, 1904, No. 34, set forth below.

**ACT MARCH 3, 1891, c. 551.**

[Superseded. Act March 3, 1903, c. 1012.]

Section 1 of this act, set forth in Comp. St. 1901, p. 1294, defining the classes of aliens excluded from admission into the United States "in accordance with the existing acts regulating immigration, other than those concerning Chinese laborers," is superseded by the more comprehensive provisions of the same nature of Act March 3, 1903, c. 1012, § 2, set forth below.

Section 2 of this act, set forth in Comp. St. 1901, p. 1295, relating

to compromises of suits for violation of Act Feb. 26, 1885, c. 164, is superseded by the similar general provisions of Act March 3, 1903, c. 1012, § 27, set forth below.

Section 3 of this act, set forth in Comp. St. 1901, p. 1295, relating to promises of employment to alien immigrants through advertisements in any foreign country, is superseded by the similar provisions of Act March 3, 1903, c. 1012, § 6, set forth below.

Section 4 of this act, set forth in Comp. St. 1901, p. 1296, relating to the soliciting of immigration by steamship or transportation companies or owners of vessels, is superseded by the similar provision of Act March 3, 1903, c. 1012, § 7, set forth below.

Section 6 of this act, set forth in Comp. St. 1901, p. 1296, making the bringing into or landing in the United States of any alien not entitled to enter, punishable, is superseded by the similar provision of Act March 3, 1903, c. 1012, § 8, set forth below.

Section 7 of this act, set forth in Comp. St. 1901, p. 1297, relating to the office of Superintendent of Immigration, which by a provision of Act March 2, 1895, c. 177, § 1, Comp. St. 1901, p. 1304, is designated Commissioner-General of Immigration, is superseded by the provisions of Act March 3, 1903, c. 1012, §§ 22, 24, set forth below. And the office of Commissioner-General of Immigration is transferred from the Treasury Department to the Department of Commerce and Labor by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, Tit. XII A, "The Department of Commerce and Labor."

The provisions of section 8 of this act, Comp. St. 1901, p. 1298, for inspection of alien immigrants arriving by water, and subsequent provisions amendatory and supplementary thereto, are superseded by the provisions relating to the same subjects contained in Act March 3, 1903, c. 1012, §§ 16, 17, and other sections of that act, set forth below.

The provisions of the same section for inspection along the borders of Canada, British Columbia, and Mexico, are superseded by the provisions relating thereto contained in Act March 3, 1903, c. 1012, § 32, set forth below.

And the provisions of the same section that all duties imposed and powers conferred by Act Aug. 3, 1882, c. 376, § 2, Comp. St. 1901, p. 1289, upon state commissioners, boards, and officers acting under contract with the Secretary of the Treasury should be performed and exercised by inspection officers of the United States, is superseded by the provisions defining the duties and powers of immigration officers contained in Act March 3, 1903, c. 1012, § 16, set forth below.

Section 9 of this act, set forth in Comp. St. 1901, p. 1299, giving to state officers and courts jurisdiction over immigrant stations, is superseded by the similar provision contained in Act March 3, 1903, c. 1012, § 31, set forth below.

Section 10 of this act, set forth in Comp. St. 1901, p. 1299, providing for deportation of immigrants unlawfully coming to the United States, is superseded by the similar provisions contained in Act March 3, 1903, c. 1012, § 19, set forth below.

Section 11 of this act, set forth in Comp. St. 1901, p. 1299, providing for the deportation of aliens unlawfully in the United States or becoming a public charge after arrival, is superseded by the provisions for the same purposes contained in Act March 3, 1903, c. 1012, §§ 20, 21, set forth below.

Section 13 of this act, set forth in Comp. St. 1901, p. 1300, investing the circuit and district courts with jurisdiction of causes arising under the act, is superseded by the similar provisions of Act March 3, 1903, c. 1012, § 29, set forth below.

The words "Secretary of the Treasury," wherever used in acts relating to alien immigration, are stricken out, and the words "Secretary of Commerce and Labor" are inserted in lieu thereof, by Res. April 28, 1904, No. 34, set forth below.

**ACT MARCH 3, 1893, c. 206.**

[Superseded in part. Act March 3, 1903, c. 1012.]

Sections 1-4 of this act, set forth in Comp. St. 1901, pp. 1300, 1301, relating to lists of alien immigrants required to be delivered by masters of vessels, are superseded by the similar provisions contained in Act March 3, 1903, c. 1012, §§ 12-15, set forth below.

Section 5 of this act, set forth in Comp. St. 1901, p. 1302, relating to the detention of immigrants for special inquiry, the conduct of such inquiries, etc., is superseded by the provisions relating to the same subjects contained in Act March 3, 1903, c. 1012, §§ 24, 25, set forth below.

The amendment, by section 6 of this act, set forth in Comp. St. 1901, p. 1302, of sections 5, 8, Act March 3, 1891, c. 551, are superseded, as well as the sections so amended, by the provisions relating to the same subjects contained in Act March 3, 1903, c. 1012, §§ 2, 17, set forth below.

Section 7 of this act, set forth in Comp. St. 1901, p. 1302, relating to bonds, etc., that an alien shall not become a public charge, is superseded by the similar provision of Act March 3, 1903, c. 1012, § 26, set forth below.

Section 9 of this act, set forth in Comp. St. 1901, p. 1303, relating to privileges at Ellis Island Immigrant Station, is superseded by similar provisions applicable to all United States Immigrant Stations, contained in Act March 3, 1903, c. 1012, § 30, set forth below.

The words "Secretary of the Treasury," wherever used in acts relating to alien immigration, are stricken out, and the words "Secretary of Commerce and Labor" are inserted in lieu thereof, by Res. April 28, 1904, No. 34, set forth below.

**ACT AUG. 18, 1894, c. 301, § 1.**

**Decisions excluding aliens final unless reversed on appeal; head-money duty; commissioners of immigration.**

The provision of this act, set forth in Comp. St. 1901, p. 1303, making the decisions of immigration, etc., officers, if adverse to the admission of an alien, final unless reversed on appeal to the Secretary of the Treasury, is superseded by the provisions relating to the same subject of Act March 3, 1903, c. 1012, §§ 10, 24, 25, set forth below.

The further provision of this act that the head-money from alien passengers should be one dollar instead of fifty cents, as provided by Act Aug. 3, 1882, c. 376, § 1, Comp. St. 1901, p. 1288, is superseded by the provision for a head-money duty of two dollars for each passenger, contained in Act March 3, 1903, c. 1012, § 1, set forth below.

The mode of appointing commissioners of immigration provided by this act is not altered by Act March 3, 1903, c. 1012, by a provision of section 24 of that act, set forth below. The duties of the commissioners are prescribed by section 23 of that act, also set forth below. And the duties and powers of immigration officers generally are prescribed by said section 24.

The words "Secretary of the Treasury," wherever used in acts relating to alien immigration, are stricken out, and the words "Secretary of Commerce and Labor" are inserted in lieu thereof, by Res. April 28, 1904, No. 34, set forth below.

**ACT MARCH 2, 1895, c. 177, § 1.**

**Superintendent of Immigration designated Commissioner-General of Immigration; additional duties; clerks; special inspectors.**

The provisions of this act, set forth in Comp. St. 1901, p. 1304, relating to the duties of the Commissioner-General of Immigration, are



superseded by the general provisions of Act March 3, 1903, c. 1012, § 22, set forth below.

An appropriation similar to that contained in this provision, for clerks, employés, etc., in the office of the Commissioner-General, providing for additional clerks, etc., and increased rates of compensation, is contained in subsequent legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1903, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 684.

The recent sundry civil appropriation acts, under the head "Enforcement of the Chinese Exclusion Act," provide that, of the sum appropriated under that head, \$1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1182.

The Commissioner-General, who by previous acts, as well as by this provision and the provision of Act June 6, 1900, c. 791, § 1, Comp. St. 1901, p. 1305, was placed under the Secretary of the Treasury, is transferred, with the commissioners of immigration, the Bureau of Immigration, and the immigration service at large, to the Department of Commerce and Labor, by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, Title XII A, "The Department of Commerce and Labor."

The words "Secretary of the Treasury," wherever used in acts relating to alien immigration, are stricken out, and the words "Secretary of Commerce and Labor" are inserted in lieu thereof, by Res. April 28, 1904, No. 34, set forth above.

**ACT APRIL 29, 1902, c. 641, § 3. [As Amended 1904.]**

**Foreign exhibitors, etc., at fair or exposition authorized by Congress, not prevented from bringing into United States, under contract, employés for preparation for installing or conducting exhibits or business under concession or privilege.**

That nothing in the provisions of this Act or any other Act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by Act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Commerce and Labor may prescribe, both as to the admission and return of such person or persons.

Act April 29, 1902, c. 641, § 3, 32 Stat. 177, Res. April 28, 1904, No. 34, 33 Stat. 591.

This section is part of an act re-enacting, extending, and continuing all laws in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, cited above. Other sections of the act are set forth below, under the subtitle "Exclusion of Chinese."

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury."

ury," used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

The jurisdiction, supervision, and control of the Treasury Department over the immigration of aliens, and the duties and powers, etc., of the Secretary of the Treasury as head of the department, are transferred and vested in the Department of Commerce and Labor and the head of that department, by the act establishing it, Act Feb. 14, 1903, c. 58, §§ 4, 7, 10, ante, under Title XII A, "The Department of Commerce and Labor."

The provisions of previous acts relating to importation of aliens under contract to labor, the operation of which is affected by this section, are re-enacted, with alterations and additions, in Act March 3, 1903, c. 1012, set forth below, particularly in sections 2, 4-7; and acts and parts of acts inconsistent with that act are repealed by section 36 thereof, with a proviso that the act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent.

The provisions of this section are not re-enacted in the same terms nor are they expressly repealed or in any way referred to in Act March 3, 1903, c. 1012, but, by a proviso annexed to section 2 of that act, skilled labor may be imported, if labor of like kind unemployed cannot be found in this country.

**ACT MARCH 3, 1903, c. 1012. [As amended 1904.]**

An Act to Regulate the Immigration of Aliens into the United States. (32 Stat. 1213.)

**Head-money duty on alien passengers from foreign ports; immigrant fund; lien on vessels.**

Be it enacted, &c., That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico, who shall come by steamship, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under this Act, including the cost of reports of decisions of the Federal courts, and the expenses thereof, for the use of the Commissioner-General of Immigration and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this Act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal and equitable remedy. The head tax herein provided for shall not be levied

upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: Provided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

Act March 3, 1903, c. 1012, § 1, 32 Stat. 1213. Act March 22, 1904, c. 749, 33 Stat. 144. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section, as originally enacted, is amended by Act March 22, 1904, c. 749, cited above, by inserting, after the word "Canada," the word "Newfoundland"; and it is further amended by Res. April 28, 1904, No. 34, also cited above, by striking out the words "Secretary of the Treasury," wherever they were used, and inserting in lieu thereof the words "Secretary of Commerce and Labor," making the section read as set forth here.

This act supersedes almost entirely the previously existing provisions relating to immigration of aliens in general, which are included in Comp. St. 1901, pp. 1286-1305, and repeals all inconsistent acts and parts of acts, by section 36 thereof, set forth below; but by a proviso annexed to that section the act is not to be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese.

The Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, and the immigration service at large, are transferred from the Department of the Treasury to the Department of Commerce and Labor, and the jurisdiction, supervision, and control possessed and exercised by the Department of the Treasury over the immigration of aliens are also transferred and vested in the Department of Commerce and Labor, and all duties performed and all power and authority possessed or exercised by the head of any executive department in and over any bureau, office, etc., so transferred, or any business arising therefrom, etc., is to be vested in and exercised by the head of said Department of Commerce and Labor, by the act establishing that department, Act Feb. 14, 1903, c. 552, §§ 4, 7, 10, ante, under Title XII A, "The Department of Commerce and Labor."

Section 1 of this act supersedes Act Aug. 3, 1882, c. 376, § 1, Comp. St. 1901, p. 1288; Act June 26, 1884, c. 121, § 22, Comp. St. 1901, p. 1290; and the provision of Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303, relating to head-money—by re-enacting their provisions with some alterations, the most important of which are the increase of the head-money to two dollars for each passenger, and the change in the exemptions from payment of such duty.

The method of collecting and accounting for the head-tax prescribed by section 1 of Act Aug. 3, 1882, c. 376, § 1, mentioned above, was not altered by anything contained in the act establishing the Department of Commerce and Labor, which transferred the immigration service to that department from the Treasury Department, by a proviso contained in section 7 of that act, ante, under Title XII A, "The Department of Commerce and Labor."

The refunding of head tax erroneously collected under this section is authorized by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

All laws affecting entry of persons into the United States from foreign countries are to apply to persons coming from the Canal Zone, Isthmus of Panama, by Act March 2, 1905, c. 1311, set forth post, under Title XXXIII, "Duties upon Imports."

**Classes of aliens excluded.**

Sec. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: Provided, That nothing in this Act shall exclude persons convicted of an offense purely political, not involving moral turpitude: And provided further, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Act March 3, 1903, c. 1012, § 2, 32 Stat. 1214.

This section supersedes previous provisions defining the classes of aliens, other than Chinese, excluded from admission to the United States, contained in Act March 3, 1875, c. 141, §§ 3, 5, Comp. St. 1901, pp. 1286, 1287; Act Aug. 3, 1882, c. 376, § 2, Comp. St. 1901, p. 1289; Act Feb. 26, 1885, c. 164, §§ 1, 5, 6, Comp. St. 1901, pp. 1290, 1292; and Act March 3, 1891, c. 551, § 1, Comp. St. 1901, p. 1294.

Any alien coming to this country in consequence of an advertisement of a promise of employment printed and published in a foreign country is to be treated as coming under a promise or agreement as contemplated in this section, by section 6 of this act, set forth below.

No person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief or opposition, or who advocates, etc., the unlawful assaulting or killing of officers of government, is to be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof, by section 38 of this act, set forth below.

**Importation of women for prostitution forbidden; punishment.**

Sec. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and who-



ever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold, any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

Act March 3, 1903, c. 1012, § 3, 32 Stat. 1214.

This section supersedes the previous similar provisions of Act March 3, 1875, c. 141, § 3, Comp. St. 1901, p. 1286, by re-enacting the same with some additions, but omitting a clause of said previous section which declared contracts in relation to such illegal importation void.

**Prepaying transportation, or assisting, etc., importation or migration of aliens under contract to perform labor or service in United States, unlawful.**

Sec. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

Act March 3, 1903, c. 1012, § 4, 32 Stat. 1214.

This section supersedes the previous similar provision of Act Feb. 26, 1885, c. 164, § 1, Comp. St. 1901, p. 1290, by re-enacting the same with some alterations, among which is the insertion of words "skilled or unskilled."

But skilled labor may be imported, if labor of like kind unemployed cannot be found in this country, by a proviso annexed to section 2 of this act, set forth above.

A penalty for the violation of the provisions of this section is imposed by section 5 of this act, set forth below.

Assisting or encouraging the importation or migration of any alien by a promise of employment through advertisement printed and published in any foreign country is to be deemed a violation of this section, and the penalties imposed by section 5 are applicable to such a case, by section 6 of this act, set forth below. And the soliciting of immigration by transportation companies, owners of vessels, etc., except as permitted, is also subjected to the same penalties, by section 7 of this act, also set forth below.

**Penalty for violations of provisions.**

Sec. 5. That for every violation of any of the provisions of section four of this Act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the

district attorney of the proper district to prosecute every such s when brought by the United States.

Act March 3, 1903, c. 1012, § 5, 32 Stat. 1214.

This section supersedes the previous similar provisions of Act F 26, 1885, c. 164, § 3, Comp. St. 1901, p. 1291, by re-enacting the sa with slight alterations.

Jurisdiction of all causes arising under the provisions of this act conferred on the circuit and district courts by section 29 of this act, forth below.

**Advertisements, etc., promising employment to aliens; penalties.**

Sec. 6. That it shall be unlawful and be deemed a violation of s tion four of this Act to assist or encourage the importation or mig tion of any alien by a promise of employment through advertise printed and published in any foreign country; and any alien comi to this country in consequence of such an advertisement shall treated as coming under a promise or agreement as contemplated section two of this Act, and the penalties imposed by section five this Act shall be applicable to such a case: Provided, That this s tion shall not apply to States or Territories, the District of Colu bia, or places subject to the jurisdiction of the United States advert ing the inducements they offer for immigration thereto, respective

Act March 3, 1903, c. 1012, § 6, 32 Stat. 1215.

This section supersedes the previous similar provisions of Act Ma 3, 1891, c. 551, § 3, Comp. St. 1901, p. 1295, by re-enacting the sa in substance.

The reference in this section to section 2 of this act may be inten as a reference to section 4, as the similar reference in the original p vision of Act March 3, 1891, c. 551, § 3, is to Act Feb. 26, 1885, c. 1 which is re-enacted, in substance, in section 4 of this act.

The soliciting of immigration by transportation companies, owners vessels, etc., except as permitted, is subjected to the penalties impo by this section, by section 7 of this act, set forth below.

**Solicitation of immigration by transportation companies, owners vessels, etc.; penalties.**

Sec. 7. That no transportation company or owner or owners vessels or others engaged in transporting aliens into the Unit States, shall, directly or through agents, either by writing, printin or oral representations, solicit, invite, or encourage the immigrati of any aliens into the United States except by ordinary commerc letters, circulars, advertisements, or oral representations, stating t sailings of their vessels and terms and facilities of transportati therein; and for a violation of this provision any such transportati company and any such owner or owners of vessels, and all others e gaged in transporting aliens to the United States, and the agents them employed, shall be subjected to the penalties imposed by secti five of this Act.

Act March 3, 1903, c. 1012, § 7, 32 Stat. 1215.

This section supersedes the previous similar provisions of Act Ma 3, 1891, c. 551, § 4, Comp. St. 1901, p. 1296, by re-enacting the sa in substance.

**Bringing into or landing in United States aliens not duly admitted not entitled to enter, punishable.**

Sec. 8. That any person, including the master, agent, owner,

consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

Act March 3, 1903, c. 1012, § 8, 32 Stat. 1215.

This section supersedes the previous similar provisions of Act March 3, 1891, c. 551, § 6, Comp. St. 1901, p. 1296, by re-enacting the same, with alterations and additions making its terms more comprehensive.

**Bringing into United States aliens afflicted with loathsome or dangerous contagious disease.**

Sec. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

Act March 3, 1903, c. 1012, § 9, 32 Stat. 1215. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section, as originally enacted, was amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See, also, note under section 1 of this act, as to the transfer of the duties, power, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

The decision of the board of special inquiry provided for by section 25 of this act, set forth below, is made final as to the rejection of aliens under this section, by section 10 of this act, also set forth below.

**Decision of board of special inquiry final as to rejection of diseased persons.**

Sec. 10. That the decision of the board of special inquiry, hereafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any



of the classes excluded from admission to the United States under section two of this Act.

Act March 3, 1903, c. 1012, § 10, 32 Stat. 1216.

The appointment or designation of the board of special inquiry mentioned in this section, their authority and proceedings, and the review of their decisions, are provided for and prescribed by section 25 of this act, set forth below.

**Deportation of alien accompanying rejected helpless alien requiring protection.**

Sec. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Act March 3, 1903, c. 1012, § 11, 32 Stat. 1216.

**Lists of alien passengers to be delivered by masters of vessels; contents.**

Sec. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise or agreement, expressed or implied, to perform labor in the United States, and what is the alien's condition of health mental and physical, and whether deformed or crippled, and if so, for how long and from what cause.

Act March 3, 1903, c. 1012, § 12, 32 Stat. 1216.

This section supersedes the previous similar provisions of Act March 3, 1893, c. 206, § 1, Comp. St. 1901, p. 1300, by re-enacting the same, with alterations and additions making its terms more comprehensive.

Further provisions relating to the lists required by this section are contained in sections 13-15 of this act, set forth below.



**Grouping of alien passengers in lists; identification tickets; verification of lists and certificate of medical examination by officer of vessel.**

Sec. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Act March 3, 1903, c. 1012, § 13, 32 Stat. 1216.

This section supersedes the previous similar provisions of Act March 3, 1893, c. 206, § 2, Comp. St. 1901, p. 1301, by re-enacting the same with alterations and additions.

Verification of the list by the surgeon of the vessel is also required by section 14 of this act, set forth below.

**Verification of lists by surgeon of vessel.**

Sec. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

Act March 3, 1903, c. 1012, § 14, 32 Stat. 1217.

This section supersedes the previous similar provisions of Act March 3, 1893, c. 206, § 3, Comp. St. 1901, p. 1301, by re-enacting the same with alterations and additions.

**Failure to furnish lists of alien passengers; penalty.**

Sec. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists

or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

Act March 3, 1903, c. 1012, § 15, 32 Stat. 1217.

This section supersedes the previous similar provisions of Act March 3, 1893, c. 206, § 4, Comp. St. 1901, p. 1301, by re-enacting the same with some alterations, among them the omission of a clause providing for the exclusion and deportation of aliens concerning whom the required information is not contained in the lists.

#### **Inspection of alien passengers upon arrival.**

Sec. 16. That upon the receipt by the immigration officers at a port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this Act it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to a port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees: Provided, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention there after until the return of such aliens to their care.

Act March 3, 1903, c. 1012, § 16, 32 Stat. 1217.

This section and the two sections of this act next following supersede the previous similar provisions of Act March 3, 1891, c. 551, Comp. St. 1901, p. 1298, by re-enacting the same with alterations and additions.

#### **Medical examination of alien passengers.**

Sec. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed in said medical officers in any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, or surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-H

al Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

Act March 3, 1903, c. 1012, § 17, 32 Stat. 1217. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" wherever used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under preceding section of this act.

The United States Marine-Hospital Service, mentioned in this section, is designated the "Public Health and Marine-Hospital Service of the United States," by Act July 1, 1902, c. 1870, § 1, set forth post, under Title LVIII, "The Public Health."

**ners, officers, etc., of vessel permitting unlawful landing of alien passenger, punishable; deportation of alien unlawfully landed.**

Sec. 18. That it shall be the duty of the owners, officers and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

Act March 3, 1903, c. 1012, § 18, 32 Stat. 1217.

See note under section 16 of this act.

**mediate deportation of alien unlawfully brought into this country; cost of maintenance and return; refusal to receive back on vessel or to pay cost, punishable; suspension of deportation of alien whose testimony is necessary in prosecution; aliens excluded as diseased not to be landed for medical treatment.**

Sec. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned in the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not less than three hundred dollars for each and every such offense; and no such vessel shall have clearance from the port of the United States while any such fine is unpaid: Pro-

vided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this Act: Provided, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund" but no alien certified, as provided in section seventeen of this Act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

Act March 3, 1903, c. 1012, § 19, 32 Stat. 1218. Res. April 28, 1903, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1903, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See, also, note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

This section supersedes the previous similar provisions of Act March 3, 1891, c. 551, § 10, Comp. St. 1901, p. 1299, with alterations and additions, among them the addition, at the end of the section, of the two provisos set forth here.

The payment of expenses incident to the detention of aliens ordered deported, whose attendance as witnesses for the United States in prosecutions under the immigration laws is required, is authorized by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

**Deportation of alien unlawfully in United States, or becoming a public charge, within two years after arrival.**

Sec. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section one of this Act.

Act March 3, 1903, c. 1012, § 20, 32 Stat. 1218.

This section supersedes the previous similar provisions of Act March 3, 1891, c. 551, § 11, Comp. St. 1901, p. 1299, with some alterations among them the extension of the time for deportation from one year to two years.

Further provisions for deportation, as provided in this section, of alien found in the United States in violation of law, within three years after arrival, are contained in the next following section of this act.

**Deportation of alien found unlawfully in United States, within three years after arrival.**

Sec. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this Act he shall cause such alien, within the period of three years



er landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this act, or, if that can not be so done, at the expense of the immigrant and provided for in section one of this Act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to be on board, guard safely, and return to the country whence he came, or alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this Act.

Act March 3, 1903, c. 1012, § 21, 32 Stat. 1218. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" wherever used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

The ports to which aliens arrested within the United States after entry, and found to be illegally therein, may be deported, are prescribed by section 35 of this act, set forth below.

#### **Commissioner-General of Immigration; duties and powers.**

Sec. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating therefrom from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) in the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: Provided, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers for temporary service in foreign countries.

Act March 3, 1903, c. 1012, § 22, 32 Stat. 1219. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904,

No. 34, cited above, by striking out the words "Secretary of the Treasury" wherever used therein, and inserting instead thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

The office of Superintendent of Immigration was created and provided for and its duties defined by Act March 3, 1891, c. 551, § 7, Comp. St. 1901, p. 1297, and the designation was changed to Commissioner-General of Immigration, and additional duties prescribed and other provisions relating to the office made by provisions of Act March 2, 1895, § 1, and of Act June 6, 1900, c. 791, § 1, Comp. St. 1901, pp. 1313, 1305.

Provisions for the printing of the annual reports of the Bureau of Immigration are contained in Res. March 3, 1905, No. 33, set forth under Title XLV, "Public Printing, Advertisements, and Documents."

#### **Commissioners of immigration; duties.**

Sec. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Commerce and Labor.

Act March 3, 1903, c. 1012, § 23, 32 Stat. 1219. Res. April 28, 1905, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1905, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

The mode of appointment of commissioners of immigration is prescribed by a provision of Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1304, and is not altered by anything contained in this act, by a provision of the next following section.

#### **Immigrant inspectors and other officers, etc.; appointment, compensation, etc.; duties and powers of immigration officers; decisions.**

Sec. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provision of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: Provided, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of an alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or willfully give false testimony or swear to any false statement in any way affecting or relating to the right of an alien to admission to the United States



shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Act March 3, 1903, c. 1012, § 24, 32 Stat. 1219. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

The provisions of the civil service act of Jan. 16, 1883, c. 27, mentioned in this section, are set forth in Comp. St. 1901, pp. 1217-1224.

The provision of the sundry civil appropriation act of Aug. 18, 1894, c. 301, § 1, as to the mode of appointing commissioners of immigration, mentioned in this section, is set forth in Comp. St. 1901, p. 1304.

Rev. St. § 5392, mentioned in this section, defining and punishing perjury, is set forth in Comp. St. 1901, p. 3653.

Previous provisions for inspection of immigrants by inspecting officers were contained in Act March 3, 1875, c. 141, § 5, Comp. St. 1901, p. 1287, Act March 3, 1891, c. 551, § 8, Comp. St. p. 1298, Act March 3, 1893, c. 206, §§ 1-5, Comp. St. 1901, pp. 1300-1302, and Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303.

Previous provisions relating to decisions of inspection officers and other immigration officers, and review thereof, were contained in Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1298, and Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303.

**Boards of special inquiry; appointment or designation; authority; hearings; records, decisions, and appeals.**

Sec. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: Provided, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and



be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of Commerce and Labor, whose decision shall then be final, and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

Act March 3, 1903, c. 1012, § 25, 32 Stat. 1220. Res. April 28, 1901, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1901, No. 34, cited above, by striking out the words "Secretary of the Treasury" wherever used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

Previous provisions for review of decisions of immigration officers were contained in Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1298, and Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303.

**Bond of indemnity against alien becoming public charge.**

Sec. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association, unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of Commerce and Labor.

Act March 3, 1903, c. 1012, § 26, 32 Stat. 1220. Res. April 28, 1901, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1901, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

This section supersedes the previous similar provisions of Act March 3, 1893, c. 206, § 7, Comp. St. 1901, p. 1302.

**Compromise of suits for violations of act.**

Sec. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

Act March 3, 1903, c. 1012, § 27, 32 Stat. 1220.

This section supersedes the previous similar provisions of Act March 3, 1891, c. 551, § 2, Comp. St. 1901, p. 1295, which related to violations of Act Feb. 26, 1885, c. 164, Comp. St. 1901, pp. 1290-1294.

**Pending proceedings not affected by act.**

Sec. 28. That nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing Act or any Acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this Act had not been passed.

Act March 3, 1903, c. 1012, § 28, 32 Stat. 1220.

**Jurisdiction of courts.**

Sec. 29. That the circuit and district courts of the United States



are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

Act March 3, 1903, c. 1012, § 29, 32 Stat. 1220.

This section supersedes the previous similar provisions of Act March 3, 1891, c. 551, § 13, Comp. St. 1901, p. 1300, relating to causes arising under that act.

**Disposal of privileges at immigrant stations; sale of intoxicating liquors forbidden.**

Sec. 30. That after the first day of January, nineteen hundred and one, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: Provided, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant station and provided for in section one of this Act.

Act March 3, 1903, c. 1012, § 30, 32 Stat. 1220. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

This section supersedes the previous similar provisions of Act March 3, 1893, c. 206, § 9, Comp. St. 1901, p. 1303, relating to the Ellis Island immigrant station only.

**Jurisdiction of state and local officers and courts over immigrant stations.**

Sec. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Act March 3, 1903, c. 1012, § 31, 32 Stat. 1220.

This section supersedes the previous similar provision of Act March 3, 1891, c. 551, § 9, Comp. St. 1901, p. 1299, by re-enacting the same with some alterations, the most important of which is the insertion, after the words "laws of the States," of the words "and Territories of the United States."

**Rules for entry and inspection of aliens along the borders of Canada and Mexico; contracts with foreign transportation lines.**

Sec. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders.

ders of Canada and Mexico, so as not to unnecessarily delay, impede or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

Act March 3, 1903, c. 1012, § 32, 32 Stat. 1221. Res. April 28, 1903, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1903, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

This section supersedes the previous similar provision of Act March 1891, c. 551, § 8, Comp. St. 1901, p. 1298, by re-enacting the same with alterations and additions, the most important of which is the addition at the end of the section, of the provision for contracts with foreign transportation lines.

Agreements with transportation lines, as provided in this section, for the payment of the head-money duty on aliens seeking admission over land, are authorized by a proviso annexed to section 1 of this act, set forth above.

**Construction of words "United States" for purposes of act.**

Sec. 33. That for the purposes of this Act the words "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any water territory or other place now subject to the jurisdiction thereof.

Act March 3, 1903, c. 1012, § 33, 32 Stat. 1221.

**Sec. 34. [Relates to sale of intoxicating liquors in Capitol.]**

This section forbids the sale of intoxicating liquors within the limits of the Capitol building. It is set forth ante, under Title XXI, "Seizure of Government, Including the Public Buildings and Grounds, Parks, and Reservations."

**Ports to which aliens to be deported.**

Sec. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

Act March 3, 1903, c. 1012, § 35, 32 Stat. 1221.

**Repeal.**

Sec. 36. That all Acts and parts of Acts inconsistent with this Act are hereby repealed: Provided, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of, Chinese persons or persons of Chinese descent.

Act March 3, 1903, c. 1012, § 36, 32 Stat. 1221.

The laws relating to the immigration or exclusion of Chinese, excepted from the general repealing provision of this section, by the proviso annexed thereto, are set forth in Comp. St. 1901, pp. 1305-1328, and are re-enacted, extended, and continued by Act April 29, 1902, c. 641, passed under subtitle "Exclusion of Chinese."



**Temporary detention, in case of contagious disorder, contracted on board ship, of wife or minor child of alien resident, who has filed declaration to become citizen.**

Sec. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children, shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

Act March 3, 1903, c. 1012, § 37, 32 Stat. 1221. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

Persons afflicted with a dangerous contagious disease are among the classes of aliens excluded from admission by sections 2 and 9 of this act, set forth above.

**Persons disbelieving in or opposed to all organized government, or advocating the unlawful assaulting or killing of officers of government, not to be permitted to enter; aiding, etc., entry of such person, punishable.**

Sec. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor, shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

Act March 3, 1903, c. 1012, § 38, 32 Stat. 1221. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904,

No. 34, cited above, by striking out the words "Secretary of the Treasury" wherever used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See note under section 1 of this act, as to the transfer of the duties, powers, and authority of the Secretary of the Treasury under this act to the head of the Department of Commerce and Labor.

**Sec. 39. [Relates to naturalization.]**

This section forbids the naturalization of persons such as those described and excluded from entry into the United States by the preceding section, with further provisions for the prevention and punishment of the naturalization of such persons. It is set forth post, under Title XXX, "Naturalization."

**RES. APRIL 28, 1904, No. 34. [S. J. R. 73.]**

Joint Resolution Amending an Act Entitled "An Act to Regulate the Immigration of Aliens into the United States," Approved March Third, Nineteen hundred and three. (33 Stat. 591.)

**Amendment of Act March 3, 1903, c. 1012, and prior acts relating to alien immigration.**

Resolved, &c., That the words "Secretary of the Treasury," wherever used in the Act entitled "An Act to regulate the immigration of aliens into the United States," approved March third, nineteen hundred and three, or in amendments thereto, or in prior Acts in relation to alien immigration, be stricken out, and the words "Secretary of Commerce and Labor" inserted in lieu thereof.

Res. April 28, 1904, No. 34, 33 Stat. 591.

The amendments made by this act are incorporated into Act April 29, 1902, c. 641, § 3, and Act March 2, 1903, c. 1012, as set forth above. Prior acts relating to alien immigration, also amended by this act, are set forth in Comp St. 1901, pp. 1288-1305.

**ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15985.]**

**Refunding head tax erroneously collected.**

\* \* That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall have power to refund head tax heretofore and hereafter collected under section one of the immigration Act approved March third, nineteen hundred and three, upon presentation of evidence showing conclusively that such collection was erroneously made.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 684.

This is a proviso annexed to an appropriation for the Bureau of Immigration in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

Act March 3, 1903, c. 1012, § 1, mentioned in this section, authorizing the collection of head tax on alien passengers from foreign ports is set forth above.

**ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]**

**Expenses of aliens ordered deported, required as witnesses for United States in prosecutions under immigration laws.**

\* \* That the necessary expenses incident to the detention of aliens ordered deported, whose attendance as witnesses is required

behalf of the United States in prosecutions arising under the immigration laws, may be paid from the permanent appropriation for "Expenses of regulating immigration:" \* \*

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1244.

This is a proviso annexed to a special appropriation for "expenses of regulating immigration" in the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above.

The permanent appropriation mentioned in this provision is made by Act March 3, 1903, c. 1012, § 1, set forth above.

[EXCLUSION OF CHINESE.]

**ACT MAY 6, 1882, c. 126.**

The provisions of this act, set forth in Comp. St. 1901, pp. 1305-1311, which were continued in force for a period of ten years by Act May 5, 1892, c. 60, § 1, Comp. St. 1901, p. 1319, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

On the establishment of the Department of Commerce and Labor and the transfer thereto from the Treasury Department of the immigration service, by Act Feb. 14, 1903, c. 552, ante, under Title XII A, "The Department of Commerce and Labor," the authority, power, and jurisdiction possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, are transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power, and authority in relation thereto vested by law or treaty in the collectors of customs and collectors of internal revenue, are conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor, by provisions of section 7 of that act.

**ACT SEPT. 13, 1888, c. 1015.**

All laws in force prohibiting and regulating the coming of Chinese into the United States and their residence therein, including sections 5-11, 13, 14, of this act, set forth in Comp. St. 1901, pp. 1314-1317, which were continued in force for a period of ten years by Act May 5, 1892, c. 60, § 1, Comp. St. 1901, p. 1319, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

See, also, note under Act May 6, 1882, c. 126, above, as to transfer of the authority, etc., possessed and exercised by the Secretary of the Treasury by virtue of this act, to the Secretary of Commerce and Labor, and of the authority, etc., of the collectors of customs and the collectors of internal revenue, to officers under control of the Commissioner-General of Immigration.

**ACT OCT. 1, 1888, c. 1064.**

The provisions of this act, set forth in Comp. St. 1901, pp. 1318, 1319, like those of Act May 6, 1882, c. 126, to which it is a supplement, which were continued in force for a period of ten years by Act May 5, 1892, c. 60, § 1, Comp. St. 1901, p. 1319, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence

therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

**ACT MAY 5, 1892, c. 60.**

The provisions of this act, set forth in Comp. St. 1901, pp. 1319-1322, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

See, also, note under Act May 6, 1882, c. 126, above, as to transfer of the authority, etc., of the Secretary of the Treasury by virtue of this act, to the Secretary of Commerce and Labor, and of the authority, etc., of the collectors of customs and the collectors of internal revenue, to officers under control of the Commissioner-General of Immigration.

**ACT NOV. 3, 1893, c. 14.**

The provisions of this Act, set forth in Comp. St. 1901, pp. 1322, 1323, like those of Act May 5, 1892, c. 60, which it amends, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

**RES. DEC. 7, 1893, No. 1.**

This resolution, relating to the registration and issuance of certificates of residence to Chinese laborers by collectors of internal revenue and their deputies, and the fees therefor, is superseded by the transfer of the authority in relation thereto vested in the collectors of internal revenue to officers under the control of the Commissioner-General of Immigration, by provisions of Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "The Department of Commerce and Labor."

**CONVENTION DEC. 8, 1894.**

The Secretary of the Treasury was authorized to make rules and regulations to execute the provisions of this treaty, by Act April 29, 1902, c. 641, § 2, set forth below. But the authority possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, are transferred to and conferred upon the Secretary of Commerce and Labor by a provision of the act establishing the Department of Commerce and Labor, Act Feb. 14, 1903, c. 552, § 7, ante, Title XII A, "The Department of Commerce and Labor."

**ACT MARCH 3, 1901, c. 845.**

The provisions of this act, set forth in Comp. St. 1901, pp. 1327, 1328, like those of Act May 5, 1892, c. 60, to which it is supplementary, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

**ACT APRIL 29, 1902, c. 641.** [*As amended 1904.*]

An Act to Prohibit the Coming into and to Regulate the Residence within the United States, its Territories, and all Territory under its Jurisdiction, and the District of Columbia, of Chinese and Persons of Chinese Descent. (32 Stat. 176.)

**Laws prohibiting and regulating coming and residence of Chinese, re-enacted, extended, and continued, and made applicable to island territory.**

All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the Act entitled "An Act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, re-enacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: Provided, however, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

Act April 29, 1902, c. 641, § 1, 32 Stat. 176. Act April 27, 1904, c. 1630, § 5, 33 Stat. 428.

This section as originally enacted in Act April 29, 1902, c. 641, § 1, cited above, was as follows:

"Be it enacted, &c., That all laws now in force prohibiting and regulating the coming of Chinese persons, and persons of Chinese descent, into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the Act entitled 'An Act to prohibit the coming of Chinese laborers into the United States' approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, re-enacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: Provided, however, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section."

It is amended by Act April 27, 1904, c. 1630, § 5, also cited above, to read as set forth here. The amendment consists, principally, in the insertion, after the words "re-enacted, extended, and continued," instead of the words of the original section, "so far as the same are not

Inconsistent with treaty obligations, until otherwise provided by law," of the words, "without modification, limitation, or condition."

The laws previously in force, which are re-enacted, extended, and continued by this section, are set forth in Comp. St. 1901, pp. 1305-1328.

The treaty obligations mentioned in this section as it was originally enacted are those imposed by the provisions of the Convention of December 8, 1894, set forth in Comp. St. 1901, pp. 1324-1327.

Further provisions for the enforcement in the insular territory of the laws made applicable thereto by this section, contained in section 4 of this act, and in Act March 18, 1904, c. 716, § 1, and Act Feb. 6, 1903, c. 453, § 6, are set forth below.

The authority, power, and jurisdiction, possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, are transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power, and jurisdiction in relation thereto vested by law or treaty in the collectors of customs and the collectors of internal revenue are conferred upon and vested in such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate therefor, by provisions of the act establishing the Department of Commerce and Labor, and transferring the immigration service to that department from the Treasury Department, Act Feb. 14, 1903, c. 552, ante, Title XII A, "The Department of Commerce and Labor."

No Mongolian laborer is to be employed in the construction of irrigation works by contract under Act June 17, 1902, c. 1093, by a proviso annexed to section 4 of that act, post, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

#### **Regulations for execution of provisions of acts and of treaty.**

Sec. 2. That the Secretary of Commerce and Labor is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this Act and of the Acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said Acts.

Act April 29, 1902, c. 641, § 2, 32 Stat. 176. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See, also, note under section 1 of this act, as to transfer of the authority of the Secretary of the Treasury to the Secretary of Commerce and Labor.

The acts hereby extended and continued and the treaty of December 8, 1894, mentioned in this section, are set forth in Comp. St. 1901, pp. 1305-1328.

Appropriations for the enforcement of this act are made available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

The Philippine Commission is authorized and required to make regulations for the enforcement of section 4 of this act in the Philippine Islands by a provision of that section, set forth below. And the administration of the immigration laws of the United States in force in the Phil-



Philippine Islands by the officers of the government thereof is authorized by provisions of Act March 18, 1904, c. 716, § 1, and Act Feb. 6, 1905, c. 453, § 6, set forth below.

Sec. 3. [Relates to admission of natives of foreign countries, under contract, for preparation for exhibits, etc., at fairs and expositions.]

This section provides that nothing in the provisions of this act or any other act shall be construed to prevent any foreign exhibitor, etc., at any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, mechanics, etc., natives of their respective foreign countries, for the purpose of making preparations for installing or conducting their exhibits or any business under any concession or privilege granted by the fair or exposition. The section, not being restricted to Chinese, but being, in terms, applicable to "any foreign exhibitor, representative, or citizen of any foreign nation," for the admission of their employes, "natives of their respective foreign countries," is set forth, ante, under this title, subtitle "Regulation and Restriction of Immigration in General."

**Certificates of residence in insular territory; regulations for enforcement of section in Philippine Islands.**

Sec. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this Act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: Provided, however, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this Act, said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Act April 29, 1902, c. 641, § 4, 32 Stat. 177.

The laws made applicable to the island territory by section 1 of this act, set forth above, by a proviso to that section are not to apply to the transit of Chinese laborers from one island to another island of the same group.

Provisions for the administration of the immigration laws of the United States in force in the Philippine Islands by the officers of the government thereof, contained in Act March 18, 1904, c. 716, § 1, and Act Feb. 6, 1905, c. 453, § 6, are set forth below.

**ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]**

**Administration of immigration laws in force in Philippine Islands.**

The immigration laws of the United States in force in the Philippine Islands shall continue to be administered by the officers of the Philippine government.

Act March 18, 1904, c. 716, § 1, 33 Stat. 139.

This is a provision following an appropriation for the Bureau of Im-

migration in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

A subsequent provision relating to the same subject is contained in Act Feb. 6, 1905, c. 453, set forth below.

**ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

**Use of Bertillon system of identification to prevent unlawful entry of Chinese into United States.**

Enforcement of the Chinese-exclusion Act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, six hundred thousand dollars, of which sum one thousand dollars per annum shall be paid to the Commissioner-General of Immigration as additional compensation: Provided, That so much of the amount hereby appropriated, or hereafter appropriated for similar purposes, as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article Three of the treaty with China of eighteen hundred and ninety-four.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 478.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

Article 3 of the treaty with China of 1894, mentioned in this provision, Convention Dec. 8, 1894, art. III, is set forth in Comp. St. 1901 p. 1326.

**ACT FEB. 6, 1905, c. 453, § 6. [H. R. 14623.]**

**Administration of immigration laws in force in Philippine Islands.**

That the immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

Act Feb. 6, 1905, c. 453, § 6, 33 Stat. 692.

# TITLE XXX.

## NATURALIZATION.

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### Sec. 2165.

#### **Aliens, how naturalized.**

No person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief or opposition, or who advocates or teaches the unlawful assaulting or killing of officers of government, is to be naturalized, by a provision of Act March 3, 1903, c. 1012, § 39, set forth below. Further provisions of the same section require that careful inquiry into such matters be made on the final application for naturalization; that, before making the final order or certificate of naturalization, affidavits as to every material fact requisite therefor be entered of record; that all such final orders and certificates shall show on their face that said affidavits were made and recorded; and that, on a conviction for procuring naturalization in violation of the provisions of this section, the order or decree and all certificates admitting the person convicted to citizenship shall be adjudged and declared null and void.

#### **ACT MARCH 3, 1903, c. 1012, § 39.**

**Persons disbelieving in or opposed to all organized government, or advocating the unlawful assaulting or killing of officers of government, not to be naturalized; affidavits, orders, etc., in naturalization proceedings; unlawful naturalization, false swearing, etc., punishable.**

That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this Act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procure or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

The foregoing provisions concerning naturalization shall not be enforced until ninety days after the approval hereof.

Act March 3, 1903, c. 1012, § 39, 32 Stat. 1222.

This section is part of the act to regulate immigration of aliens into the United States, cited above, other sections of which are set forth under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Persons such as those described and excluded from naturalization by this section are not to be permitted to enter the United States, and aiding or assisting any such person unlawfully to do so is punishable by the provisions of section 38 of the act.



# TITLE XXXI.

## THE CENSUS.

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**ACT MARCH 3, 1899, c. 419, § 1.**

**Census to be taken.**

The provisions of this act relating to the Twelfth Census, not inconsistent with those of Act March 6, 1902, c. 139, remain in force for the taking of the Thirteenth and subsequent censuses, by section 6 of that act, set forth below.

Provisions of this act inconsistent with those of Act March 6, 1902, c. 139, and various supplemental amendatory acts, are repealed by section 12 of that act, set forth below.

Sections 2-5 of this act are entirely superseded by the provisions of Act March 6, 1902, c. 139, §§ 1-5, set forth below; sections 8 and 17 are amended and substitutes therefor are enacted by sections 7 and 10 of that act, set forth below; and section 25 is superseded by the abolition of the census printing office by section 11 of that act, also set forth below; but provisions of the other sections of this act, not inconsistent with the provisions of Act March 6, 1902, c. 139, remain in force, under section 6 of that act, set forth below.

**Secs. 2-5. [Superseded. Act March 6, 1902, c. 139, §§ 1-5.]**

The provisions of these sections relating to the Census Office, established for taking the Twelfth Census, and the officers, clerks, and employes of that office, are superseded by the similar provisions for a permanent Census Office and the officers, clerks, and employes thereof, contained in Act March 6, 1902, c. 139, §§ 1-5, set forth below.

**Sec. 8. [Amended. Act March 6, 1902, c. 139, § 7.]**

This section is amended by Act March 6, 1902, c. 139, § 7, to read as set forth in that section, below.

**Sec. 17. [Amended. Act March 6, 1902, c. 139, § 10.]**

This section is amended by Act March 6, 1902, c. 139, § 10, to read as set forth in that section, below.

**Sec. 25. [Superseded. Act March 6, 1902, c. 139, § 11.]**

The provisions of this section authorizing the printing, etc., in the Census Office, of blanks, etc., and bulletins and reports, are superseded by the abolition of the census printing office and the provisions that such printing, etc., shall be done by the Public Printer at the Government Printing Office, contained in Act March 6, 1902, c. 139, § 11, set forth below.

**ACT FEB. 1, 1900, c. 7.**

**[Repealed. Act March 6, 1902, c. 139, § 12.]**

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

**ACT MAY 10, 1900, c. 389.**

[Repealed. Act March 6, 1902, c. 139, § 12.]

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

**ACT JUNE 2, 1900, c. 615.**

[Repealed. Act March 6, 1902, c. 139, § 12.]

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

**ACT JUNE 6, 1900, c. 791, § 1.**

[Superseded. Act March 6, 1902, c. 139, § 4.]

The provision of this act relating to the annual salary of the appointment clerk is superseded by the provision of Act March 6, 1902, c. 139, § 4, set forth below, for a disbursing clerk who shall also act as appointment clerk at an annual salary of \$2,500.

**ACT FEB. 23, 1901, c. 466.**

[Repealed. Act March 6, 1902, c. 139, § 12.]

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

**ACT MARCH 6, 1902, c. 139. [As amended 1902, 1904.]**

An Act to Provide for a Permanent Census Office. (32 Stat. 51.)

**Census Office made permanent.**

Be it enacted, &c., That the Census Office temporarily established in the Department of the Interior in accordance with an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses, approved March third, eighteen hundred and ninety-nine, is hereby made a permanent office.

Act March 6, 1902, c. 139, § 1, 32 Stat. 51.

Act March 3, 1899, c. 419, mentioned in this section, is set forth in Comp. St. 1901, pp. 1338-1349.

All provisions of said Act March 3, 1899, c. 419, inconsistent with this act, and various supplemental acts amendatory thereof, are repealed by section 12 of this act, set forth below.

The Census Office is transferred from the Department of the Interior to the Department of Commerce and Labor by the act establishing the latter department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XI A, "The Department of Commerce and Labor."

**Continuance of work pertaining to Twelfth Census; time of organization of permanent Census Office.**

Sec. 2. That the work pertaining to the Twelfth Census shall be carried on by the Census Office under the existing organization until the first day of July, nineteen hundred and two, when the permanent Census Office herein provided for shall be organized by the Director of the Census.

Act March 6, 1902, c. 139, § 2, 32 Stat. 51.

**Director of Census; salary; duties.**

Sec. 3. That the permanent Census Office shall be in charge of

Director of the Census, appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual salary of six thousand dollars. It shall be his duty to superintend and direct the taking of the Thirteenth and subsequent censuses of the United States and to perform such other duties as may be imposed upon him by law.

Act March 6, 1902, c. 139, § 3, 32 Stat. 51.

**Officers, clerks, and employés of Census Office; bond of disbursing clerk.**

Sec. 4. That there shall be in the Census Office, to be appointed by the Director thereof, with the approval of the head of the Department to which the said Census Office is attached, four chief statisticians, who shall be persons of known and tried experience in statistical work, at an annual salary of two thousand five hundred dollars each; a chief clerk, at an annual salary of two thousand five hundred dollars, who, in the absence of the Director, shall serve as acting director; a disbursing clerk, who shall also act as appointment clerk, at an annual salary of two thousand five hundred dollars; one stenographer, at an annual salary of one thousand five hundred dollars; four expert chiefs of division, at an annual salary of one thousand eight hundred dollars each; six clerks of class three; ten clerks of class two; and such number of clerks of class one, and of clerks, typists, computers, and skilled laborers, with salaries at the rate of not less than six hundred dollars nor more than one thousand dollars per annum, messengers, assistant messengers, watchmen, unskilled laborers, and charwomen as may be necessary for the proper and prompt performance of the duties required by law. The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Secretary of the Treasury in the sum of twenty-five thousand dollars, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with surety, to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

Act March 6, 1902, c. 139, § 4, 32 Stat. 51. Act June 30, 1902, c. 1325, 32 Stat. 506.

The amendment of this section by Act June 30, 1902, c. 1325, cited above, consists in the insertion after the word "watchmen," and before the words "and charwomen," of the words "unskilled laborers."

The appointment of employés of the Office is provided for by the next following section of this act.

All employés of the Census Office must be citizens of the United States, by a provision of section 17 of Act March 3, 1899, c. 419, as amended by section 10 of this act, set forth below.

Estimates in detail for the expenses of the permanent Census Office are to be submitted annually in the regular Book of Estimates, by a provision of Act June 28, 1902, c. 1301, § 1, post, under Title XLI, "Appropriations."

Annual appropriations for the officers, clerks, and other employés and for other expenses of the Census Office are made in the legislative, executive, and judicial appropriation acts. The provision for the fiscal

year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 683.

**Appointment of employes of Census Office; preference of honorably discharged soldiers and their widows.**

Sec. 5. That all employees of the Census Office, at the date of the passage of this Act, except unskilled laborers, may be appointed by the Director of the Census with the approval of the head of the Department to which said Census Office is attached, and when so appointed shall be and they are hereby placed, without further examination, under the provisions of the civil service Act approved January sixteen, eighteen hundred and eighty-three, and the amendments thereto and the rules established thereunder; and persons who have served as soldiers in any war in which the United States may have been engaged, who have been honorably discharged from the service of the United States, and the widows of such soldiers, shall have preference in the matter of employment; and all new appointments to the permanent clerical force in the Census Office hereby created shall be made in accordance with the requirements of the civil service Act above referred to.

Act March 6, 1902, c. 139, § 5, 32 Stat. 51.

The provisions of Act Jan. 16, 1883, c. 27, mentioned in this section are set forth in Comp. St. 1901, pp. 1217-1224.

Payment to employes not reappointed for leave of absence, in addition to the salary due them for services, was authorized by a provision of Act July 1, 1902, c. 1351, set forth below.

Certain special agents employed in the Census Office at other than the special work committed to them, as authorized by section 10 of this act, set forth below, are transferred to the classified service, by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

**Provisions relating to Twelfth Census to remain in force for taking Thirteenth and subsequent censuses.**

Sec. 6. That all the provisions of the Act of March third, eighteen hundred and ninety-nine, relating to the Twelfth Census, not inconsistent with the provisions of this Act, shall remain in full force and effect for the taking of the Thirteenth and subsequent censuses.

Act March 6, 1902, c. 139, § 6, 32 Stat. 52.

The provisions of Act March 3, 1899, c. 419, relating to the Twelfth Census, mentioned in this section, are contained in sections 6-33 of that act, set forth in Comp. St. 1901, pp. 1338-1349. Sections 8 and 17 of that act are expressly amended by sections 7 and 10 of this act, set forth below.

All provisions of Act March 3, 1899, c. 419, inconsistent with this act are repealed by section 12 of this act, set forth below.

**Collection of special statistics decennially.**

Sec. 7. That section eight of the Act of March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows: That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section seven of this Act, the Director of the Census is hereby authorized decennially to collect statistics relating to special classes, including the insane, feeble-minded, deaf, dumb, and blind; to crime, pauperism, and benevolence, including prisoners, paupers, juveniles,



delinquents, and inmates of benevolent and reformatory institutions; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone, and telegraph business; to transportation by water, express business, and street railways; to mines, mining, quarries and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries until July first, nineteen hundred and four. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under these subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special reports of the Census Office." For the purpose of securing the statistics required by this section, the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided: Provided, That the statistics of special classes, and of crime, pauperism, and benevolence specified in this section, shall be restricted to institutions containing such classes and the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section eight of said Act entitled "An Act to provide for taking the Twelfth and subsequent censuses": Provided, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address.

Act March 6, 1902, c. 139, § 7, 32 Stat. 52.

Act March 3, 1899, c. 419, § 8, amended by this section, is set forth in Comp. St. 1901, p. 1340.

The clerical force of the Census Office may be employed for such field work as may be required to carry out the provisions of this section, in lieu of employing special agents for the purpose, by a proviso annexed to section 17 of Act March 3, 1899, c. 419, as amended by section 10 of this act, set forth below.

#### **Collection of vital statistics annually.**

Sec. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year nineteen hundred and two, and annually thereafter, the date for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the Director possess records furnishing satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed four cents for each birth or death reported; or a minimum compensation of twenty-five dollars may be allowed, in the discretion of the Director, in States or cities registering less than five hundred deaths or five hundred births during the preceding year.

Act March 6, 1902, c. 139, § 8, 32 Stat. 52. Act April 27, 1904, c. 1626, 33 Stat. 362.

In this section as originally enacted the concluding clause relating to  
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the compensation for transcription of registration records was, "the compensation for the transcription of which shall not exceed two cents for each birth or death reported." It is amended by Act April 2, 1904, cited above, to read as set forth here. In the section as so amended, the word "date" in the third line thereof is substituted, apparently by error, for the word "data" in the section originally enacted.

Provisions for collection of statistics of deaths and births in registration areas were contained in Act March 3, 1899, c. 419, § 7, and in § 1 before the amendment of the latter section by section 7 of this act.

Co-operation of state authorities in securing a uniform system of registration of births and deaths is requested by Res. Feb. 11, 1903, No. 1, set forth below.

The collection of statistics of marriage and divorce is provided for by Res. Feb. 9, 1905, No. 16, set forth below.

**Collection of statistics of manufactures under factory system in years 1905 and every ten years thereafter; collection of statistics of cotton production annually; additional special collections of statistics as required by Congress.**

Sec. 9. That in the year nineteen hundred and five, and every ten years thereafter, there shall be a collection of the statistics of manufactures, confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood and mechanical industries; and the Director is hereby authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section; and that in addition to the statistics now provided for by law the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners and bulletins giving the results of the same shall be issued weekly beginning September first of each year and continued till February first following; and that the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

Act March 6, 1902, c. 139, § 9, 32 Stat. 52.

Co-operation with state officials in the collection of statistics of manufactures is authorized by Act March 1, 1904, c. 388, set forth below.

The collection of additional statistics of the consumption, etc., of cotton, and the semimonthly publication of the amount of cotton ginned are authorized and directed by Res. Feb. 9, 1905, No. 16, set forth below.

**Amendment of Act March 3, 1899, c. 419 § 17.**

Sec. 10. That section seventeen of the act of March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

**Special agents; authority; compensation; employment of clerical force for field work; employés of Census Office to be citizens.**

"Sec. 17. That the special agents appointed under the provision of this Act have like authority with the enumerators in respect to the subjects committed to them under this Act and shall receive compensation at rates to be fixed by the Director of the Census: Provided, That the same shall in no case exceed six dollars per day and actual necessary traveling expenses and an allowance in lieu of subsistence."

sistence not exceeding three dollars per day during their necessary absence from their usual place of residence: And provided further, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: And provided further, That the Director of the Census is hereby authorized in his discretion to employ the clerical force of the Census Office for such field work as may be required to carry out the provisions of sections seven, eight, and nine, in lieu of employing special agents for that purpose; and such employees when so employed shall be allowed, in addition to their regular compensation, actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding three dollars per day during their necessary absence from the Census Office. All employees of the Census Office shall be citizens of the United States."

Act March 6, 1902, c. 139, § 10, 32 Stat. 53.

Act March 3, 1899, c. 419, § 17, amended by this section, is set forth in Comp. St. 1901, p. 1345.

Certain special agents employed in the Census Office at other than the special work committed to them, as authorized by this section, are transferred to the classified service by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

**Census printing office abolished; bulletins and reports to be printed, etc., by Public Printer.**

Sec. 11. That the printing office established in the Census Office is hereby abolished to take effect July first, nineteen hundred and two, and the outfit and equipment therein shall be turned over to the Public Printer; and the Director of the Census is hereby authorized and directed to have printed, published, and distributed, from time to time, bulletins and reports of the preliminary and other results of the various investigations authorized by law; and all of said printing and binding shall be done by the Public Printer at the Government Printing Office.

Act March 6, 1902, c. 139, § 11, 32 Stat. 53.

The Director of the Census was authorized to print and bind in the Census Office blanks, circulars, etc., and to print, publish, and distribute bulletins and reports, and the printing office outfit used in the Eleventh Census was transferred to the Census Office, by provisions of Act March 3, 1899, c. 419, §§ 25, 29, Comp. St. 1901, pp. 1347, 1348; and the appointment and employment of a Superintendent of Printing and of skilled mechanics and other persons in the census printing office were authorized by Act May 10, 1900, c. 389, § 1, Comp. St. 1901, p. 1351, which is repealed by the next following section of this act.

Provisions relating to the Public Printer and the Government Printing Office are contained in Title XLV, "Public Printing, Advertisements, and Public Documents," Comp. St. 1901, pp. 2532-2606.

**Repeal.**

Sec. 12. That the supplemental acts amendatory of the Act of March third, eighteen hundred and ninety-nine, approved February first, nineteen hundred, May tenth, nineteen hundred, June second, nineteen hundred, February twenty-third, nineteen hundred and one, are hereby repealed; and all provisions of the Act of March third,

eighteen hundred and ninety-nine, inconsistent with this Act are hereby repealed.

Act March 6, 1902, c. 139, § 12, 32 Stat. 53.

Act March 3, 1899, c. 419, provisions of which inconsistent with this act are repealed by this section, is set forth in Comp. St. 1901, pp. 1336-1349; and the supplemental acts amendatory thereof, also mentioned in this section and repealed by this section, are set forth in Comp. St. 1901, pp. 1349-1353.

The repeal of the supplemental acts amendatory of Act March 3, 1899, c. 419, enumerated in this section, is not to be construed to take effect until the termination of the temporary organization of the office, by provision of Act July 1, 1902, c. 1351, set forth below.

#### **RES. JUNE 30, 1902, No. 40.**

Joint Resolution Authorizing the Director of the Census to Compile Statistics Relating to Irrigation. (32 Stat. 747.)

##### **Collection of statistics relating to irrigation.**

Resolved, &c., That the Director of the Census be, and hereby is authorized and directed, upon the completion of the volume of agricultural statistics, the year eighteen hundred and ninety-nine, to complete and bring up to date of the crop year of nineteen hundred and two the statistics relating to irrigation, the area of land reclaimed, the cost and value of the works, and such other information as can be obtained bearing upon the present condition of irrigation.

Res. June 30, 1902, No. 40, 32 Stat. 747.

#### **ACT JULY 1, 1902, c. 1351.**

**Time of taking effect of repeal of supplementary acts; payment to employees not reappointed for leave of absence in addition to salary.**

The repeal of the supplementary Acts amendatory of the Act of March third, eighteen hundred and ninety-nine, enumerated in section twelve of the Act of March sixth, nineteen hundred and two, entitled "An Act to provide for a permanent Census Office," shall not be construed to take effect until the termination of the temporary organization of the office as provided in the last-named Act: And provide further, That the disbursing clerk of the Census Office may pay out of the census fund on or after June thirtieth, nineteen hundred and two, to employees of the office who are not to be reappointed on July first, for whatever leave of absence the Director of the Census may in his discretion, allow them, not to exceed, however, the annual leave authorized by existing law; such payment to be in addition to the salary due them for services rendered to that date.

Act July 1, 1902, c. 1351, 32 Stat. 571.

These are provisions of the deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

Act March 6, 1902, c. 139, § 12, by which various provisions enumerated therein are repealed, as stated in this provision, is set forth above.

Provisions for the reappointment of employees on the organization of the permanent Census Office, on July 1, 1902, are contained in Act March 6, 1902, c. 139, § 5, set forth above.



**ACT JAN. 12, 1903, c. 90.**

An Act Providing for the Transfer of Census Records and Volumes to the Census Office, and for Other Purposes. (32 Stat. 767.)

**Transfer to Census Office of schedules, records, and reports of preceding censuses; copies to be furnished to governors of States or Territories, or chief officers of municipal governments.**

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to transfer to the Census Office all of the schedules, records, and volumes of reports of the eleven decennial enumerations from seventeen hundred and ninety to eighteen hundred and ninety, inclusive, that may be in the possession of the Department of the Interior, which transfer shall not change the allotment of such reports heretofore made to Senators and Representatives; and the Director of the Census is hereby authorized, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish such governor or municipal officer with copies of so much of said files or records as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies; and the amounts so received shall be covered into the Treasury of the United States, to be placed to the credit of and in addition to the appropriation made for the taking of the census.

Act Jan. 12, 1903, c. 90, 32 Stat. 767.

Previous provisions for the transfer to the Census Office of records, books, and files relating to preceding censuses necessary in conducting the work of the Census Office, were contained in Act March 3, 1899, c. 419, § 29, Comp. St. 1901, p. 1348.

**RES. FEB. 11, 1903, No. 7.**

Joint Resolution Requesting State Authorities to Cooperate with Census Office in Securing a Uniform System of Birth and Death Registration. (32 Stat. 1231.)

**Preamble.**

Whereas the registration of deaths at the time of their occurrence furnishes official record information of much value to individuals; and

Whereas the registration of births and deaths, with information upon certain points, is essential to the progress of medical and sanitary science in preventing and restricting disease and in devising and applying remedial agencies; and

Whereas all of the principal countries of the civilized world recognize the necessity for such registration and enforce the same by general laws; and

Whereas registration in the United States is now confined to a few States, as a whole, and the larger cities, under local laws and ordinances which differ widely in their requirements; and

Whereas it is most important that registration should be conducted under laws that will insure a practical uniformity in the character and amount of information available from the records; and

Whereas the American Public Health Association and the United

States Census Office are now co-operating in an effort to extend the benefits of registration and to promote its efficiency by indicating the essential requirements of legislative enactments designed to secure the proper registration of all deaths and births and the collection of accurate vital statistics, to be presented to the attention of the legislative authorities in nonregistration States, with the suggestion that such legislation be adopted; Now, therefore,

**Co-operation of state authorities in securing uniform system of registration of births and deaths requested.**

Resolved, &c., That the Senate and House of Representatives of the United States hereby expresses approval of this movement and requests the favorable consideration and action of the State authorities, to the end that the United States may attain a complete and uniform system of registration.

Res. Feb. 11, 1903, No. 7, 32 Stat. 1231.

Provisions for collection of statistics of births and deaths in registration areas, restricted to records of states and municipalities affording satisfactory data in necessary detail, are contained in Act March 6, 1902, 139, § 8, set forth above, as amended by Act April 27, 1904, c. 162.

Provisions for co-operation with state officials in the collection of statistics of manufactures are contained in Act March 1, 1904, c. 3, set forth below.

**ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]**

**Special agents employed in Census Office transferred to classified service.**

The thirteen special agents now employed in the Census Office other than the special work committed to them, as authorized by section ten of the Act of March sixth, nineteen hundred and two, entitled "An Act to provide for a permanent Census Office," are hereby transferred to the classified service, to be assigned as follows: One geographer and four as chiefs of division, at two thousand dollars each, four as clerks of class four, and four as clerks of class two.

Act March 18, 1904, c. 716, § 1, 33 Stat. 137.

This is a provision following appropriations for the Census Office in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

**ACT MARCH 1, 1904, c. 388. [H. R. 11823.]**

An Act to Authorize the Director of the Census to Co-operate with the Secretary of State of the State of Michigan and with Officials of Other States in Taking the Census of Manufactures. (33 Stat. 58.)

**Co-operation with state officials in collection of statistics of manufactures.**

Be it enacted, &c., That the Director of the Census is hereby authorized and empowered to co-operate with the secretary of state of the State of Michigan in taking the census of manufactures and shall equitably share the expenses thereof, the results of which may be accepted by the United States as its census of manufactures for that State for the year nineteen hundred and five: Provided, That the expenditures in

cident to this co-operation shall not exceed twenty thousand dollars, such expenditures to be paid from the fund appropriated for the expenses of the field work of the census for the fiscal year ending June thirtieth, nineteen hundred and five. And the Director of the Census may, in his discretion, co-operate with the officials of other States which take a like census in so far as it may aid in the collection of statistics of manufactures required by existing law.

Act March 1, 1904, c. 388, 33 Stat. 58.

Previous provisions for collection of statistics of manufactures are contained in Act March 6, 1902, c. 139, § 9, set forth above.

**RES. FEB. 9, 1905, No. 16. [H. J. R. 185.]**

Joint Resolution Authorizing and Directing the Director of the Census to Collect and Publish Additional Statistics. (33 Stat. 1282.)

**Collection of additional statistics of cotton consumption, surplus, and export; semimonthly reports of cotton ginned; collection and publication of statistics of marriage and divorce.**

Resolved, &c., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish in connection with the ginner's reports of cotton production provided for in section nine of an Act of Congress entitled "An Act to provide for a permanent Census Office, approved March sixth, nineteen hundred and two," statistics of the consumption of cotton, the surplus of cotton held by the manufacturers, and the quantity of cotton exported, the statistics to be summarized as of September first each year so as to show the cotton production and consumption of the preceding year.

And the Director of the Census shall make semimonthly publication of the amount of cotton ginned in lieu of the monthly reports which he now makes.

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and Territories and the District of Columbia since January first, eighteen hundred and eighty-seven: Provided, That such statistics as now required by law to be collected be used so far as it is practicable to do so.

Res. Feb. 9, 1905, No. 16, 33 Stat. 1282.

Previous provisions for collection of statistics of cotton production are contained in Act March 6, 1902, c. 139, § 9, set forth above.

# TITLE XXXII.

## THE PUBLIC LANDS.

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### CHAPTER ONE.

#### Surveyors and Deputy Surveyors.

##### Sec. 2208.

###### **Salary of surveyors-general.**

The sums appropriated by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 674, for the salaries of the respective surveyors-general, are the same as the appropriations in the preceding years, as set forth in the note under this section in Comp. St. 1901, p. 1358.

##### Sec. 2226.

###### **Clerk-hire, allowance of, to surveyors-general.**

The appropriations for clerk-hire in the offices of the surveyors-general for the fiscal year ending June 30, 1906, are contained in Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 674-676.

##### Sec. 2227.

###### **Office-rent, allowance of, to surveyors-general.**

The appropriations for office-rent, etc., for the surveyors-general for the fiscal year ending June 30, 1906, are contained in Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 674-676.

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### CHAPTER TWO.

#### Registers and Receivers.

##### Sec. 2238.

###### **Fees and commissions of register and receiver.**

The usual commissions are allowed on all moneys paid for lands entered under Act June 17, 1902, c. 1093, which provides for the construction of irrigation works for the reclamation of arid lands, by the provision of section 5 of that act, set forth post, under chapter 11 of this Title, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Additional fees to registers and receivers for making transcripts of the records in their offices for individuals are authorized, and such transcripts



scripts, when duly certified, are made admissible as evidence, by Act March 22, 1904, c. 748, set forth below.

**ACT MARCH 22, 1904, c. 748. [H. R. 5511.]**

An Act to Authorize Registers and Receivers of United States Land Offices to Furnish Transcripts of their Records to Individuals. (33 Stat. 144.)

**Fees for transcripts of records; transcripts as evidence.**

Be it enacted, &c., That registers and receivers of United States land offices shall, in addition to the fees now allowed by law, be entitled to charge and receive for making transcripts of the records in their offices for individuals, the sum of ten cents per hundred words for each transcript so furnished; and the transcripts thus furnished, when duly certified to by them, shall be admitted as evidence in all courts of the United States and the Territories thereof, and before all officials authorized to receive evidence, with the same force and effect as the original records.

Act March 22, 1904, c. 748, 33 Stat. 144.

Provisions for certifying copies of records, books, and papers in the General Land Office, and for transmission of original papers on file in the office, for use as evidence, are contained in Rev. St. §§ 891, 2469, set forth in Comp. St. 1901, pp. 672, 1557, in Act April 19, 1904, c. 1396, set forth ante, under Title XIII, "The Judiciary," c. 17, and in Act April 19, 1904, c. 1398, set forth ante, under Title XI, "The Department of the Interior," c. 3.

**Sec. 2243.**

**ACT JUNE 6, 1900, c. 791, § 1.**

**Expenses of land-offices.**

The provision of this and later acts, set forth in Comp. St. 1901, p. 1371, is repeated in the subsequent deficiency appropriation acts and sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1183.

**Sec. 2246.**

**Oaths administered by registers and receivers.**

The compulsory attendance of witnesses before registers and receivers in all matters requiring a hearing before them, and the taking of testimony and of depositions for such hearings, are provided for by Act Jan. 31, 1903, c. 344, set forth below.

**ACT JAN 31, 1903, c. 344.**

An Act Providing for the Compulsory Attendance of Witnesses before Registers and Receivers of the Land Office. (32 Stat. 790.)

**Subpoenas for attendance of witnesses before registers and receivers.**

Be it enacted, &c., That registers and receivers of the land office, or either of them, in all matters requiring a hearing before them, are authorized and empowered to issue subpoenas directing the attendance of witnesses, which subpoenas may be served by any person by

delivering a true copy thereof to such witness, and when served, witnesses shall be required to attend in obedience thereto: Provided, That if any subpoena be served under the provisions of this Act by any person other than an officer authorized by the laws of the United States, or of the State or Territory in which the depositions are taken, the service thereof shall be proved by the affidavit of the person serving the same: Provided further, That said subpoenas shall be served within the county in which attendance is required, and at least ten days before attendance is required.

Act Jan. 31, 1903, c. 344, § 1, 32 Stat. 790.

Subpoenas for taking depositions of witnesses residing outside the county are provided for by section 4 of this act, set forth below.

#### **Witnesses' fees.**

Sec. 2. That witnesses shall have the right to receive their fees for one day's attendance and mileage in advance. The fees and mileage of witnesses shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fees for attendance in advance from day to day during the hearing.

Act Jan. 31, 1903, c. 344, § 2, 32 Stat. 790.

Witnesses' fees in the courts of the United States are prescribed by Rev. St. § 848, and Act Aug. 8, 1892, c. 361, Comp. St. 1901, pp. 655.

#### **Disobedience to subpoena, punishable.**

Sec. 3. That any person willfully neglecting or refusing obedience to such subpoena, or neglecting or refusing to appear and testify when subpoenaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by imprisonment in the district court of the United States or in the district courts of the Territories exercising the jurisdiction of circuit or district courts of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than two hundred dollars, or imprisonment not to exceed ninety days, or both, at the discretion of the court: Provided, That if such witness has been prevented from obeying such subpoena without fault upon his part he shall not be punished under the provisions of this Act.

Act Jan. 31, 1903, c. 344, § 3, 32 Stat. 790.

Witnesses under subpoenas for taking depositions are subject to the same penalties, by the provisions of the next following section of this act.

#### **Depositions of witnesses residing outside the county.**

Sec. 4. That whenever the witness resides outside the county in which the hearing occurs any party to the proceeding may take the testimony of such witness in the county of such witness's residence in the form of depositions by giving ten days' written notice of the time and place of taking such depositions to the opposite party or parties. The depositions may be taken before any United States commissioner, notary public, judge or clerk of a court of record. Subpoenas for witnesses before the officer taking depositions may issue from the office of the register or receiver, or may be issued by the officer conducting the depositions, and disobedience thereof, as defined in this

shall also be punished; and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpoena to appear before the register or receiver, and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions.

Act Jan. 31, 1903, c. 344, § 4, 32 Stat. 790.

Penalties in case of violation of a subpoena to appear before the register or receiver, mentioned in this section, are imposed by the preceding section of this act.

**Continuing taking of depositions in behalf of opposite party.**

Sec. 5. That whenever the taking of any depositions taken in pursuance of the foregoing provisions of this Act is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and before the same officer: Provided, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions, of his intention to do so.

Act Jan. 31, 1903, c. 344, § 5, 32 Stat. 791.

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## CHAPTER THREE.

### **Land-Districts—General Provisions Respecting Certain Lands.**

#### **PROVISIONS RESPECTING PARTICULAR LOCAL LAND DISTRICTS.**

#### **Sec. 2256.**

Changes in the existing land districts enumerated in the note under this section in Comp. St. 1901, p. 1377, are as follows:

The number of land offices and land districts in Alaska is reduced to one, the location to be fixed by the President, by a provision of Act Feb. 14, 1902, c. 17, § 1, set forth below.

An additional land district in the state of Montana, to be called the "Great Falls Land District," the land office to be located at Great Falls, is established, and the appointment of a register and receiver for the district is authorized by Act April 28, 1902, c. 595, set forth below.

An additional land district in the State of North Dakota, to be called the "Dickinson District," the land office to be located at Dickinson until the President may remove it from that town, is established, and the appointment of a register and receiver for the district is authorized, by act March 16, 1904, c. 550, set forth below.

An additional land district in the State of Utah, to be called the "Uintah District," the land office to be located at such place within the district as the President may designate, is established by Act March 8, 1905, c. 1450, set forth below.

The Government of the Philippine Islands is authorized to establish

land districts and to provide for the appointment of the necessary officers wherever they deem the same necessary for the public convenience, by Act July 1, 1902, c. 1369, § 52, 32 Stat. 704.

**ACT MAY 14, 1898, c. 299, § 12.**

**Land districts and offices in Alaska; registers and receivers.**

The number of land offices and land districts in Alaska is reduced to one, the location to be fixed by the President, by a provision of Act Feb. 14, 1902, c. 17, § 1, set forth below.

**ACT FEB. 14, 1902, c. 17, § 1.**

**Land districts and offices in Alaska reduced to one.**

That on and after June first, nineteen hundred and two, the number of land offices and land districts in the district of Alaska is hereby reduced to one, the location of which shall be fixed by the President.

Act Feb. 14, 1902, c. 17, § 1, 32 Stat. 20.

This is a provision of the urgent deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

**ACT APRIL 28, 1902, c. 595.**

An Act to Establish an Additional Land Office in the State of Montana. (32 Stat. 171.)

**Additional land district in Montana.**

Be it enacted, &c., That all that portion of the State of Montana bounded and described as follows: Beginning at the northeast corner of the State and running thence west on the national boundary line between the United States and British possessions to the point intersected by the eastern boundary line of the Blackfeet Indian Reservation; thence south along the line of said reservation to where it intersected by the eastern line of the Lewis and Clarke Forest Reservation; thence south on said line to the southwest corner of township twenty-two north, range eight west; thence east along the line between townships twenty-one and twenty-two north to the northeast corner of township twenty-one north, range four west; thence south along the line between ranges three and four west to the northeast corner of township fourteen north, range four west; thence east along the line between townships fourteen and fifteen north to the southeast corner of township fifteen north, range three east; thence north to the northeast corner of said township; thence east along the line between townships fifteen and sixteen north to the southeast corner of township sixteen north, range ten east; thence north along the line between ranges ten and eleven east to the northeast corner of township eighteen north, range ten east; thence east along the line between townships eighteen and nineteen north to the northeast corner of township eighteen north, range twelve east; thence north along the line between ranges twelve and thirteen east to the Missouri River; thence south and east, following the Missouri River to the east line of the State of Montana; thence north along said line to the place of beginning, and the same is hereby, constituted a new land district, to be called

Great Falls land district of the State of Montana; and the land office for said district shall be located at the town of Great Falls.

Act April 28, 1902, c. 585, § 1, 32 Stat. 171.

**Additional land district in Montana; register and receiver.**

Sec. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for such land district, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

Act April 28, 1902, c. 595, § 2, 32 Stat. 172.

**ACT MARCH 16, 1904, c. 550. [S. 1487.]**

An Act Creating an Additional Land Office in the State of North Dakota. (33 Stat. 83.)

**Additional land district in North Dakota.**

Be it enacted, &c., That all that portion of North Dakota lying south of the twelfth standard parallel and west of the range line between ranges ninety and ninety-one west of the principal meridian be, and the same is hereby, created into a separate land district, to be known as the Dickinson district, and the land office for said district shall be located at the town of Dickinson until such time as the President may, in his discretion, remove the site of said land office from said town.

Act March 16, 1904, c. 550, § 1, 33 Stat. 83.

**Additional land district in North Dakota; register and receiver.**

Sec. 2. That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and a receiver for said district; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said State.

Act March 16, 1904, c. 550, § 2, 33 Stat. 84.

**ACT MARCH 3, 1905, c. 1450. [H. R. 17934.]**

An Act to Provide for a Land District in Wasatch, Uintah, and Carbon Counties in the State of Utah, to be Known as the Uintah Land District, and for Other Purposes. (33 Stat. 1014.)

**Additional land district in Utah.**

Be it enacted, &c., That all that portion of the State of Utah included within the present boundaries of Uintah and Carbon counties, and also within the boundaries of that part of the Uintah Indian Reservation which lies within the present boundaries of Wasatch County, is hereby constituted a new land district, to be called the Uintah land district, and that the land office for said district shall be located at such place within the territory above described as the President of the United States may designate.

Act March 3, 1905, c. 1450, 33 Stat. 1014.



## CHAPTER FOUR.

## Pre-emptions.

Sec. 2276. [*As amended 1891.*]**Selections to supply deficiencies of school lands.**

The provisions of Act Feb. 28, 1891, c. 384, amending this section, read as set forth in Comp. St. 1901, p. 1382, are made applicable to the State of Utah, and to the grant of school lands to that State, in sections 2 and 32 as well as 16 and 36 in each township or other equivalent thereto, as stated in the note under this section in Comp. St. 1901, p. 1383, by Act May 3, 1902, c. 683, set forth below.

Lands selected and appropriated in lieu of lands granted for school purposes to the Territory and State of Washington, under the several Acts relating thereto, as stated in the notes under this section in Comp. St. 1901, p. 1383, when approved by the Secretary of the Interior, are deemed to have been granted to the State by Act Feb. 22, 1889, c. 18, and the title of the State thereto is confirmed by Act Dec. 18, 1890, c. 5, set forth below.

Title to certain tracts of land previously selected by the State of Nebraska as indemnity for granted school lands, and certified to the State, but the certification of which was declared void, is confirmed to the State, by Act April 15, 1902, c. 506, 32 Stat. 105.

Selections by States in lieu of school sections in abandoned military reservations are confirmed, and provisions for the disposal of the lands in such school sections are made, by Act Feb. 11, 1903, c. 543, post chapter 11 of this title, subc. "Abandoned Military and Naval Reservations."

**ACT MAY 3, 1902, c. 683.**

An Act to Make the Provisions of an Act of Congress Approved February Twenty-Eighth, Eighteen Hundred and Ninety-Four, (Twenty-Sixth Statutes, Seven Hundred and Ninety-Six), applicable to the State of Utah. (32 Stat. 188.)

**Provisions for selections to supply deficiencies of school lands applicable to grant of school lands to State of Utah.**

Be it enacted, &c., That all the provisions of an Act of Congress approved February twenty-eighth, eighteen hundred and ninety-four, which provides for the selection of lands for educational purposes in lieu of those appropriated for other purposes, be, and the same are hereby, made applicable to the State of Utah, and the grant of school lands to said State, including sections two and thirty-two in each township, and indemnity therefor, shall be administered and applied in accordance with the provisions of said Act, anything in the Act approved July sixteenth, eighteen hundred and ninety-four, providing for the admission of said State into the Union, to the contrary notwithstanding.

Act May 3, 1902, c. 683, § 1, 32 Stat. 188.

Act Feb. 28, 1891, c. 384, mentioned in this section, amends section § 2276, and is incorporated in that section as set forth in Comp. St. 1901, p. 1382.

**Additional school sections included in provisions as applicable to State of Utah.**

Sec. 2. That wherever the words "sections sixteen and thirty-six" occur in said Act, the same as applicable to the State of Utah shall read: "sections two, sixteen, thirty-two, and thirty-six," and wherever the words "sixteenth and thirty-sixth sections" occur the same shall read: "second, sixteenth, thirty-second, and thirty-sixth sections," and wherever the words "sections sixteen or thirty-six" occur the same shall read: "sections two, sixteen, thirty-two, or thirty-six," and wherever the words "two sections" occur the same shall read "four sections."

Act May 3, 1902, c. 683, § 2, 32 Stat. 189.

Sections numbered 2, 16, 32, and 36, or other lands equivalent thereto, are granted to the State of Utah for school purposes, by Act July 16, 1894, c. 138, § 6, 28 Stat. 109, as stated in note under Rev. St. § 2276, in Comp. St. 1901, p. 1383.

**ACT DEC. 18, 1902, c. 5.**

An Act Relating to Grants of Land to the Territory and State of Washington for School Purposes. (32 Stat. 756.)

**Preamble.**

Whereas by the Act of Congress of February twenty-second, eighteen hundred and eighty-nine, providing that the inhabitants of the Territory of Washington might, upon certain conditions prescribed in said Act, become the State of Washington, certain lands were granted to the said State for school purposes; and

Whereas a doubt has arisen as to what lands were granted by section ten of said Act; and

Whereas by section twenty of the Act of Congress of March second, eighteen hundred and fifty-three, entitled "An Act to establish the Territorial government of Washington," the county commissioners of counties in said Territory were authorized to locate and select certain lands in lieu of sections sixteen and thirty-six occupied by actual settlers; and

Whereas by the Act of Congress of February twenty-sixth, eighteen hundred and fifty-nine, entitled "An Act to authorize settlers upon sixteenth and thirty-sixth sections, who settled before the surveys of public lands, to preempt their settlements," certain lands were appropriated for school purposes in lieu of such as might be patented by preemptors, and to compensate deficiencies for school purposes where said sections sixteen and thirty-six were fractional in quantity, or where one or both were wanting by reason of the township being fractional, or from any natural cause whatever, and providing for their selection; and

Whereas certain lieu lands have been selected by the Territory of Washington under said Acts of Congress: Therefore,

**Title to lands selected in lieu of school lands in State of Washington, confirmed.**

Be it enacted, &c., That in all cases where sections sixteen and thirty-six, or either or any of them, or any portion thereof, have been

occupied by actual settlers prior to survey thereof, and the county commissioners of the counties in which said sections so occupied aforesaid are situated, have, under said Act of Congress of March second, eighteen hundred and fifty-three, located or selected other lands in sections or fractional sections, as the case may be, within their respective counties, in lieu of said section so occupied as aforesaid, the lands so located or selected, when the same shall have been approved by the Secretary of the Interior, shall be deemed and taken to have been granted to said State by said Act of February twenty-second, eighteen hundred and eighty-nine, and the title of said State thereto is hereby confirmed.

Act Dec. 18, 1902, c. 5, § 1, 32 Stat. 757.

Act March 2, 1853, c. 90, § 20, mentioned in the preamble to this act and in this section, was incorporated into Rev. St. § 1947; and Act Feb. 26, 1859, c. 58, also mentioned in the preamble, was incorporated in Rev. St. § 2276. The provisions of Act Feb. 22, 1889, c. 180, granting lands to the State of Washington for school purposes, also mentioned in the preamble and in this section, are stated in the note under Rev. St. § 2276, in Comp. St. 1901, p. 1383.

**Title to lands selected in lieu of lands appropriated to supply deficiencies of school lands in State of Washington, confirmed.**

Sec. 2. That where any lands appropriated by Congress to said Territory to compensate deficiencies for school purposes, where sections sixteen or thirty-six were fractional in quantity, or where one or both were wanting by reason of the township being fractional, from any natural cause whatever, or where section sixteen or thirty-six were patented by preemptions, have been selected and appropriated as provided in said Act of Congress of February twenty-sixth, eighteen hundred and fifty-nine, the lands so selected and appropriated when the same shall have been approved by the Secretary of the Interior, shall be deemed and taken to have been granted to said State of Washington by the said Act of February twenty-second, eighteen hundred and eighty-nine, and the title thereto confirmed.

Act Dec. 18, 1902, c. 5, § 2, 32 Stat. 757.

See note under preceding section of this act.

### **Sec. 2288. [As amended 1891.]**

This section, set forth in Comp. St. 1901, p. 1385, as amended by Act March 3, 1891, c. 561, § 3, is further amended by Act March 3, 1901, c. 1424, to read as set forth below.

#### **ACT MARCH 3, 1905, c. 1424. [S. 6757.]**

An Act to Amend Section Twenty-two hundred and eighty-eight of the Revised Statutes of the United States. (33 Stat. 991.)

#### **Amendment of Rev. St. § 2288.**

Be it enacted, &c., That section twenty-two hundred and eighty-eight of the Revised Statutes be amended so as to read as follows:

**Right of transfer of settlers under homestead or pre-emption law for certain public purposes.**

"Sec. 2288. Any bona fide settler under the preemption, homestead



stead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

Act March 3, 1903, c. 1424, 33 Stat. 991.

Rev. St. § 2288, amended by this act, is set forth, as previously amended by Act March 3, 1891, c. 561, § 3, in Comp. St. 1901, p. 1385. The amendment by this act consists in the insertion, after the words "or for the right of way of railroads," of the words "telegraph, telephones," making the section read as set forth here.

The right of any homestead settler in Alaska to transfer any portion of the land settled upon, as provided by this section, is restricted by a provision of Act March 3, 1903, c. 1002, post, under chapter 5 of this Title.

## CHAPTER FIVE.

### Homesteads.

#### Sec. 2289. [*As amended 1891.*]

##### **Who may enter certain unappropriated public lands.**

The provisions of the homestead laws are extended to Alaska, by Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, which is amended by Act March 3, 1903, c. 1002, set forth below.

Original homestead entries by aliens who have made declaration of intention to become citizens, as authorized by Rev. St. § 2289, Comp. St. 1901, p. 1388, where based upon void declarations of intention, are validated, and the time of such entrymen to make final proof thereon is extended, to enable them to secure final naturalization papers, by Act April 23, 1904, c. 1491, set forth below.

#### **ACT APRIL 23, 1904, c. 1491. [S. 4636.]**

An Act to Validate Certain Original Homestead Entries and Extend the Time to Make Final Proofs thereon. (33 Stat. 298.)

##### **Entries by aliens, on void declarations of intention to become citizens, validated, and time for final proof extended.**

Be it enacted, &c., That in all cases where aliens have heretofore made original homestead entries, based upon void declarations of intention to become citizens of the United States made before United States commissioners, such original entries are hereby validated, and the time of such entrymen in which to make final proof on their entries is hereby extended for a period of two years, to enable such entrymen to legally secure final naturalization papers: Provided, That nothing in this Act shall be held to affect existing adverse claims to land embraced in such entries.

Act April 23, 1904, c. 1491, § 1, 33 Stat. 298.

A person who has filed his declaration of intention to become a citizen, as required by the naturalization laws, is entitled to enter a homestead, by Rev. St. § 2289, Comp. St. 1901, p. 1388.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect and be in force from and after its passage.

Act April 23, 1904, c. 1491, § 2, 33 Stat. 299.

**Sec. 2291.****Certificate and patent, when given and issued.**

Besides the provisions relating to defects in original entries and extending the time for making final proof in various cases, set forth under Rev. St. § 2291, in Comp. St. 1901, pp. 1390-1394, such provisions relating to original entries by aliens based on void declarations of intention to become citizens are contained in Act April 23, 1904, c. 1491, set forth above.

**Sec. 2294. [As amended 1890.]**

[Amended. Act March 11, 1902, c. 182. Act March 4, 1904, c. 394.]

This section, set forth in Comp. St. 1901, p. 1396, as amended by Act May 26, 1890, c. 355, is further amended by Act March 11, 1902, c. 182, and that act is itself amended by Act March 4, 1904, c. 394, so as to read as set forth below.

**ACT MARCH 11, 1902, c. 182. [As amended 1904.]**

An Act to Amend Section Twenty-Two Hundred and Ninety-Four of the Revised Statutes of the United States. (32 Stat. 63.)

**Amendment of Rev. St. § 2294.**

Be it enacted, &c., That section twenty-two hundred and ninety-four of the Revised Statutes of the United States be, and the same shall be, hereby, amended so as to read as follows:

**Officers before whom affidavits, proofs, etc., may be made; false swearing deemed perjury and punishable; fees.**

"Sec. 2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone Acts, may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: Provided, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken out of the county in which the land is located the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits, proofs, and oaths in the land districts in which the lands applied for are located but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore

been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

"For each affidavit, twenty-five cents.

"For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

"For each deposition of claimant or witness, prepared by the officer, one dollar.

"Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding one hundred dollars."

Act March 11, 1902, c. 182, 32 Stat. 63. Act March 4, 1904, c. 394, 33 Stat. 59.

Rev. St. § 2294, amended by these acts, is set forth in Comp. St. 1901, p. 1396, as previously amended by Act May 28, 1890, c. 355. The further amendatory Act March 11, 1902, c. 182, cited above, is itself amended by Act March 4, 1904, c. 394, so as to make the section read as set forth here.

Provisions for the confirmation of entries or final proofs, not made within the land district in which the lands are situated, by error of the officers of any local land office, are contained in Act March 9, 1904, c. 503, set forth post, under chapter 11 of this Title, subchapter "Disposition of Suspended Entries and Claims; Invalid and Defective Claims and Patents therefor."

## Sec. 2298.

### Limitation of amount entered for homestead.

Besides the provisions set forth under Rev. St. § 2298, in Comp. St. 1901, pp. 1401-1405, for homestead entries after a former entry not perfected for various reasons, or additional to a former entry of less than one quarter section, further provisions for such entries are contained in Act April 28, 1904, c. 1776, set forth below.

Homestead entries not exceeding in area 640 acres of lands within certain designated boundaries in the State of Nebraska are allowed, and former homestead entries are not to be a bar thereto, by provisions of Act April 28, 1904, c. 1801, set forth below.

Special limitations of the amount to be entered for homestead in Alaska are prescribed by the amendment of Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, by Act March 3, 1903, c. 1002, set forth below.

Homestead settlers on ceded Indian lands who, prior to the passage of Act May 17, 1900, c. 479, Comp. St. 1901, pp. 1618, 1619, had acquired title to the land by final entry by payment of the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of that act had final entry not been made prior to its passage, are authorized to make another homestead entry, by Act May 22, 1902, c. 821, § 2, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

**ACT MARCH 2, 1889, c. 381, §§ 2, 5.****Homestead entry after former unperfected entry.**

Besides the provisions of Act March 2, 1889, c. 381, § 2, set forth in Comp. St. 1901, p. 1403, for homestead entries by persons who had no perfected title under a former entry, further provisions, that persons having failed to perfect former entries for various reasons specified shall be entitled to the benefit of the homestead laws, are contained in Act April 28, 1904, c. 1776, § 1, set forth below.

**Additional entry of land contiguous to former entry of less than one-quarter section.**

The provisions of Act March 2, 1889, c. 381, § 5, set forth in Comp. St. 1901, p. 1403, allowing any homestead settler who had theretofore entered less than one-quarter section of land to enter additional land contiguous to the original entry, are re-enacted, with additions including entries subsequently made, by Act April 28, 1904, c. 1776, § 1, set forth below.

**ACT AUG. 30, 1890, c. 837, § 1.****Limitation of aggregate amount entered under any land laws.**

Homestead entries of not exceeding in area 640 acres of lands within certain designated boundaries in the State of Nebraska are allowed, and former homestead entries are not to be a bar thereto, by provisions of Act April 28, 1904, c. 1801, set forth below.

Special limitations of the amount to be entered in Alaska are prescribed by Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, amended by Act March 3, 1903, c. 1002, set forth below.

**ACT APRIL 28, 1904, c. 1776. [S. 3165.]**

An Act Providing for Second and Additional Homestead Entries and for Other Purposes. (33 Stat. 527.)

**Homestead entry after former unperfected entry.**

Be it enacted, &c., That any person who has heretofore made entry under the homestead laws, but who shall show to the satisfaction of the Commissioner of the General Land Office that he was unable to perfect the entry on account of some unavoidable complication of his personal or business affairs, or on account of an honest mistake as to the character of the land; that he made a bona-fide effort to comply with the homestead law and that he did not relinquish his entry or abandon his claim for a consideration, shall be entitled to the benefit of the homestead laws as though such former entry had not been made.

Act April 28, 1904, c. 1776, § 1, 33 Stat. 527.

Previous provisions for homestead entries after a former entry under which title had not been perfected are contained in several acts set forth under Rev. St. § 2298, in Comp. St. 1901, pp. 1401-1405.

**Additional entry of land contiguous to former entry of less than one-quarter section.**

Sec. 2. That any homestead settler who has heretofore entered, or may hereafter enter, less than one-quarter section of land may enter other and additional land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres, without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and

cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: Provided, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: And provided, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

Act April 28, 1904, c. 1776, § 2, 33 Stat. 527.

This section re-enacts the provisions of Act March 2, 1889, c. 381, § 5, set forth in Comp. St. 1901, p. 1403, in the same language, with the addition, after the words at the beginning, "That any homestead settler who has heretofore entered," of the words, "or may hereafter enter," and the omission, after the words of the first proviso, "That this section shall not apply to or for the benefit of any person who," of the words, "at the date of making application for entry hereunder," which were in said former section.

**Commutation of entries under this act not allowed.**

Sec. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this Act.

Act April 28, 1904, c. 1776, § 3, 33 Stat. 527.

Rev. St. § 2301, mentioned in this section, is set forth in Comp. St. 1901, p. 1403.

**ACT APRIL 28, 1904, c. 1801. [H. R. 14826.]**

An Act to Amend the Homestead Laws as to Certain Unappropriated and Unreserved Lands in Nebraska. (33 Stat. 547.)

**Limitation of entries within certain boundaries in Nebraska extended; exclusion of irrigable lands from provisions of act.**

Be it enacted, &c., That from and after sixty days after the approval of this Act entries made under the homestead laws in the State of Nebraska west and north of the following line, to wit: Beginning at a point on the boundary line between the States of South Dakota and Nebraska where the first guide meridian west of the sixth principal meridian strikes said boundary; thence running south along said guide meridian to its intersection with the fourth standard parallel north of the base line between the States of Nebraska and Kansas; thence west along said fourth standard parallel to its intersection with the second guide meridian west of the sixth principal meridian; thence south along said second guide meridian to its intersection with the third standard parallel north of the said base line; thence west along said third standard parallel to its intersection with the range line between ranges twenty-five and twenty-six west of the sixth principal meridian; thence south along said line to its intersection with the second standard parallel north of the said base line; thence west on said standard parallel to its intersection with the range line between ranges thirty and thirty-one west; thence south along said line to its intersection with the boundary line between the States of Nebraska and Kansas, shall not exceed in area six hundred and forty acres, and shall be as nearly compact in



form as possible, and in no event over two miles in extreme length: Provided, That there shall be excluded from the provisions of this Act such lands within the territory herein described as in the opinion of the Secretary of the Interior it may be reasonably practicable to irrigate under the national irrigation law, or by private enterprise; and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this Act the lands, particularly along the North Platte River, which in his opinion it may be possible to irrigate as aforesaid; and shall thereafter, from time to time, open to entry under this Act any of the lands so excluded, which, upon further investigation, he may conclude can not be practically irrigated in the manner aforesaid.

Act April 28, 1904, c. 1801, § 1, 33 Stat. 547.

**Additional entry of land contiguous to former entry, not to exceed in the aggregate the limitation as extended.**

Sec. 2. That entrymen under the homestead laws of the United States within the territory above described who own and occupy the lands heretofore entered by them, may, under the provisions of this Act and subject to its conditions, enter other lands contiguous to their said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate six hundred and forty acres; and residence upon the original homestead shall be accepted as equivalent to residence upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same.

Act April 28, 1904, c. 1801, § 2, 33 Stat. 548.

Similar provisions as to entries additional to previous entry of less than one quarter section are contained in Act April 28, 1904, c. 1776, § 2, set forth above.

Further provisions for additional entries by former homestead entrymen are contained in section 3 of this act, set forth below.

**Fees and commissions on entries; commutation of entries not allowed; improvements to be shown on final proof; entries under this act by former homestead entrymen.**

Sec. 3. That the fees and commissions on all entries under this Act shall be uniformly the same as those charged under the present law for a maximum entry at the minimum price. That the commutation provisions of the homestead law shall not apply to entries under this Act, and at the time of making final proof the entryman must prove affirmatively that he has placed upon the lands entered permanent improvements of the value of not less than one dollar and twenty-five cents per acre for each acre included in his entry: Provided, That a former homestead entry shall not be a bar to the entry under the provisions of this Act of a tract which, together with the former entry, shall not exceed six hundred and forty acres: Provided, That any former homestead entryman who shall be entitled to an additional entry under section two of this Act shall have for ninety days after the passage of this Act the preferential right to make additional entry as provided in said section.

Act April 28, 1904, c. 1801, § 3, 33 Stat. 548.

Fees and commissions of registers and receivers are prescribed by

Rev. St. § 2238, and subsequent provisions set forth in Comp. St. 1901, pp. 1367-1370.

Provisions for commutation of homestead entries, mentioned in this section, are contained in Rev. St. § 2301, and subsequent acts, set forth in Comp. St. 1901, pp. 1406-1410.

Under section 2 of this act, mentioned in this section, and set forth above, a former homestead entryman is entitled to an additional entry of lands contiguous to his former entry.

### **Sec. 2301.** [*As amended 1891.*]

#### **Payment before expiration of five years; rights of applicant.**

The provisions of Rev. St. § 2301, as amended, set forth in Comp. St. 1901, p. 1406, are extended to homestead entries under Act Jan. 14, 1889, c. 24, 25 Stat. 642, which authorized the disposal under the homestead laws of lands of the Chippewa Indians in Minnesota, by Act March 3, 1905, c. 1439, 33 Stat. 1005.

The commutation provisions of the homestead law, Rev. St. § 2301, and subsequent provisions set forth in Comp. St. 1901, pp. 1406-1410, are not to apply to entries under Act April 28, 1904, c. 1801, which provides for entries of not to exceed 640 acres within certain boundaries in Nebraska, by section 3 of that act, set forth above.

Commutation under the provisions of Rev. St. § 2301, set forth in Comp. St. 1901, p. 1406, is not allowed of an entry under Act April 28, 1904, c. 1776, which allows a homestead entry after a former unperfected entry, and an additional entry of lands contiguous to a former entry of less than one quarter section, by section 3 of that act, set forth above.

The commutation provisions of the homestead laws are not to apply to entries under Act June 17, 1902, c. 1093, which provides for the construction of irrigation works for the reclamation of arid lands, by a proviso annexed to section 3 of that act, post, under chapter 11 of this Title, subc. "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Commutation for town-site purposes, of homestead entries of certain ceded Indian lands in Oklahoma, is authorized by Act March 11, 1902, c. 180, and commutation of homestead entries of certain ceded Indian lands in South Dakota, by Act May 22, 1902, c. 821, § 1, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

### **Sec. 2303.**

#### **ACT JULY 4, 1876, c. 165.**

#### **Repeal of section 2303.**

Provisions for withdrawal from entry of lands required for irrigation works, and provisions for entries under the homestead laws of lands susceptible of irrigation from such works, are contained in Act June 17, 1902, c. 1093, §§ 3-5, post, under chapter 11 of this Title, subc. "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation;" but, by a proviso annexed to section 3, the commutation provisions of the homestead laws are not to apply to entries made under that act.

Provisions for exclusion from entry of irrigable lands within certain boundaries in Nebraska are contained in Act April 28, 1904, c. 1801, § 1, set forth above.

#### **ACT MAY 14, 1898, c. 299, § 1.**

[Amended. Act March 3, 1903, c. 1002.]

This section is amended by Act March 3, 1903, c. 1002, set forth below.

**ACT MARCH 3, 1903, c. 1002.**

An Act to Amend Section One of the Act of Congress Approved May Fourteenth, Eighteen Hundred and Ninety-Eight, Entitled "An Act Extending the Homestead Laws and Providing for a Right of Way for Railroads in the District of Alaska." (32 Stat. 1028.)

**Homestead laws extended to Alaska; limitation of amount to be entered; locations on unsurveyed lands; restriction of transfers.**

Be it enacted, &c., That all the provisions of the homestead laws of the United States not in conflict with the provisions of this Act, and all rights incident thereto, are hereby extended to the district of Alaska, subject to such regulations as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu land selections pertaining to any land grant outside of the district of Alaska shall be made, and no land scrip or land warrant of any kind whatsoever shall be located within or exercised upon any lands in said district except as now provided by law; and provided further that no more than one hundred and sixty acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right; and provided further that no location of scrip, selection, or right along any navigable or other waters shall be made within the distance of eighty rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise; and provided further that no commutation privileges shall be allowed in excess of one hundred and sixty acres included in any homestead entry under the provisions hereof: Provided, That no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water, and along such shore a space of at least eighty rods shall be reserved from entry between all such claims; and that nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district; and no patent shall issue hereunder until all the requirements of sections twenty-two hundred and ninety-one, twenty-two hundred and ninety-two, and twenty-three hundred and five of the Revised Statutes of the United States have been fully complied with as to residence, improvements, cultivation, and proof except as to commuted lands as herein provided: And it is further provided, That every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the district of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations hereof, be entitled to enter three hundred and twenty acres or a less quantity of unappropriated public land in said district of Alaska. If any of the land so settled upon, or to be settled upon, is unsurveyed, then the land settled upon, or to be settled upon, must be located in a rectangular form, not more than one mile in length, and located by north and south lines run according to the true meridian; that the location so made shall be marked upon the ground by permanent monu-



ments at each of the four corners of the said location, so that the boundaries of the same may be readily and easily traced; that the record of said location shall, within ninety days from the date of settlement, be filed for record in the recording district in which the land is situated. Said record shall contain the name of the settler, the date of the settlement, and such a description of the land settled upon, by reference to some natural object or permanent monument, as will identify the same; and, if after the expiration of the said period of five years or at such date as the settler may desire to commute the public surveys of the United States have not been extended over the land located, a patent shall nevertheless issue for the land included within the boundaries of said location as thus recorded, upon proof to be submitted to the register and receiver of the proper land office, upon proof that he is a citizen of the United States, and upon the further proof required by section twenty-two hundred and ninety-one of the Revised Statutes of the United States as heretofore and herein amended, and under the procedure in the obtaining of patents to the unsurveyed lands of the United States, as provided for by section ten of the Act hereby amended, and under such rules and regulations as shall be prescribed by the Secretary of the Interior as hereinbefore provided, without the payment of any purchase price or other charges, except the ordinary office fees and commissions of the register and receiver except one dollar and twenty-five cents per acre on land commuted: And provided always, That no title shall be obtained hereunder to any of the mineral or coal lands of the district of Alaska: And it is further provided, That the right of any homestead settler to transfer any portion of the land so settled upon, as provided by section twenty-two hundred and eighty-eight of the Revised Statutes of the United States, shall be restricted and limited within the district of Alaska as follows: For church, cemetery, or school purposes to five acres, and for the right of railroads across such homestead to one hundred feet in width on either side of the center line of said railroad; and all contracts by the settler made before his receipt of patent from the Government, for the conveyance of the land homesteaded by him or her, except as herein provided, shall be held null and void.

Act March 3, 1903, c. 1002, 32 Stat. 1028.

Act May 14, 1898, c. 299, § 1, mentioned in the title to this act as amended thereby, is set forth in Comp. St. 1901, p. 1412.

Rev. St. § 2291, mentioned in this act, and Act March 3, 1877, c. 172, amending that section, with subsequent provisions relating to the same subject, are set forth in Comp. St. 1901, pp. 1390-1394.

Rev. St. § 2292, mentioned in this act, is set forth in Comp. St. 1901, p. 1394; and Rev. St. § 2305, also mentioned therein, is set forth in Comp. St. 1901, p. 1413.

Section 10 of the act amended by this act, Act May 14, 1898, c. 299, also mentioned in this act, is set forth in Comp. St. 1901, p. 1469.

Rev. St. § 2288, also mentioned in this act, is set forth in Comp. St. 1901, p. 1385.

## Sec. 2306.

**Persons who have entered less than 160 acres, rights of.**

Rights as to location of soldiers' certificates theretofore issued under

Rev. St. § 2306, are not affected by Act March 2, 1889, c. 381, § 6, which allows an additional entry after final proof on former entry of less than one quarter section, by a proviso annexed to that section, set forth in Comp. St. 1901, p. 1404.

Other provisions for additional entries, after a former entry of less than 160 acres, are contained in Act April 28, 1904, c. 1776, § 2, and Act April 28, 1904, c. 1801, § 2, set forth above.

**ACT JUNE 16, 1880, c. 244.**

[Amended. Res. April 18, 1904, No. 25.]

This act is amended by Res. April 18, 1904, No. 25, set forth below.

**RES. APRIL 18, 1904, No. 25. [S. J. R. 44.]**

Joint Resolution as to the Provisions of "An Act for the Relief of Certain Settlers on the Public Lands, and to Provide for the Payment of Certain Fees, Purchase Money, and Commission Paid on Void Entries of Public Lands," Approved June Sixteenth, Eighteen hundred and eighty. (33 Stat. 589.)

**Amendment of Act June 16, 1880, c. 244; proof of loyalty not to be required.**

Resolved, &c., That the provisions of "An Act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June sixteenth, eighteen hundred and eighty, shall be construed to abolish the necessity for proof of loyalty in the cases mentioned in said Act, and no proof of loyalty shall be required in the cases mentioned in said Act.

Res. April 18, 1904, No. 25, 33 Stat. 589.

Act June 16, 1880, c. 244, amended by this resolution, is set forth in Comp. St. 1901, p. 1415.

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## CHAPTER SIX.

### Mineral Lands and Mining Resources.

#### Sec. 2318.

**Mineral lands reserved.**

Provisions, similar to those of this chapter, for the reservation from sale of public lands in the Philippine Islands valuable for minerals, and the purchase of mineral deposits and the location of mining claims thereon, are contained in the act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, Act July 1, 1902, c. 1369, §§ 20–62, 32 Stat. 697–706.

#### Sec. 2327.

[Amended. Act April 28, 1904, c. 1796.]

This section is amended by Act April 28, 1904, c. 1796, set forth below.

**ACT APRIL 28, 1904, c. 1796. [H. R. 13298.]**

An Act to Amend Section Twenty-three hundred and twenty-seven of the Revised Statutes of the United States, Relating to Lands. (33 Stat. 545.)

**Amendment of Rev. St. § 2327.**

Be it enacted, &c., That section twenty-three hundred and twenty-seven of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

**Description of vein claims on surveyed and unsurveyed lands.**

"Sec. 2327. The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of the public survey, but need not conform therewith; but where patents have been or shall be issued for claims upon unsurveyed lands, the surveyors-general, in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and surveyors-general in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly. The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto."

Act April 28, 1904, c. 1796, 33 Stat. 545.

Rev. St. § 2327, amended by this act, is set forth in Comp. St. 1901, p. 1431.

**Sec. 2333.****ACT FEB. 11, 1897, c. 216.****Entry of petroleum or other mineral oil lands under placer mining laws.**

Provisions relating to the annual assessment labor upon oil lands located as placer mining claims are contained in Act Feb. 12, 1903, c. 548, set forth below.

**ACT FEB. 12, 1903, c. 548.**

An Act Defining What Shall Constitute and Providing for Assessments on Oil Mining Claims. (32 Stat. 825.)

**Assessment work on contiguous oil lands, located as placer mining claims, of same owner.**

Be it enacted, &c., That where oil lands are located under the provisions of title thirty-two, chapter six, Revised Statutes of the United

States, as placer mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all: Provided, That said labor will tend to the development or to determine the oil-bearing character of such contiguous claims.

Act Feb. 12, 1903, c. 548, 32 Stat. 825.

The entry of lands containing petroleum or other mineral oils, under the laws relating to placer mineral claims, is authorized by Act Feb. 11, 1897, c. 216, Comp. St. 1901, p. 1434.

## Sec. 2335.

### Verification of affidavits, etc.

In addition to the provisions of Rev. St. § 2335, Comp. St. 1901, p. 1435, relating to affidavits required by this chapter, applicants for mineral patents, residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit for proof of citizenship, as required by Rev. St. § 2321, Comp. St. 1901, p. 1425, before the clerk of any court of record or before any notary public of any State or Territory, by Act April 26, 1882, c. 106, § 2, set forth in Comp. St. 1901, p. 1425.

## Sec. 2352.

### ACT JUNE 6, 1900, c. 796.

#### Coal-land laws extended to Alaska.

This act is amended by further provisions relating to coal lands in Alaska, and all provisions of the coal land laws not in conflict therewith are continued in force, by Act April 28, 1904, c. 1772, set forth below.

No title to any mineral or coal lands in Alaska can be obtained under the amendment of Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, which extends the homestead laws to Alaska, by a provision of Act March 3, 1903, c. 1002, ante, under chapter 5 of this Title.

### ACT APRIL 28, 1904, c. 1772. [S. 2814.]

An Act to Amend an Act Entitled "An Act to Extend the Coal Land Laws to the District of Alaska," Approved June sixth, Nineteen hundred. (33 Stat. 525.)

#### Location of lands on which coal mine has been opened or improved; filing notice of location.

Be it enacted, &c., That any person or association of persons qualified to make entry under the coal-land laws of the United States, who shall have opened or improved a coal mine or coal mines on any of the unsurveyed public lands of the United States in the district of Alaska, may locate the lands upon which such mine or mines are situated, in rectangular tracts containing forty, eighty, or one hundred and sixty acres, with north and south boundary lines run according to the true meridian, by marking the four corners thereof with permanent monuments, so that the boundaries thereof may be readily and easily traced. And all such locators shall, within one year from the passage of this Act, or within one year from making such location, file for record in the recording district, and with the register and receiver of the land

district in which the lands are located or situated, a notice containing the name or names of the locator or locators, the date of the location, the description of the lands located, and a reference to such natural objects or permanent monuments as will readily identify the same.

Act April 28, 1904, c. 1772, § 1, 33 Stat. 525.

**Patents for coal lands, how obtained; notice of application therefor; title to shore of navigable waters not to be acquired.**

Sec. 2. That such locator or locators, or their assigns, who are citizens of the United States, shall receive a patent to the lands located by presenting, at any time within three years from the date of such notice, to the register and receiver of the land district in which the lands so located are situated an application therefor, accompanied by a certified copy of a plat of survey and field notes thereof, made by a United States deputy surveyor or a United States mineral surveyor duly approved by the surveyor-general for the district of Alaska, and a payment of the sum of ten dollars per acre for the lands applied for; but no such application shall be allowed until after the applicant has caused a notice of the presentation thereof, embracing a description of the lands, to have been published in a newspaper in the district of Alaska published nearest the location of the premises for a period of sixty days, and shall have caused copies of such notice, together with a certified copy of the official plat or survey, to have been kept posted in a conspicuous place upon the land applied for and in the land office for the district in which the lands are located for a like period, and until after he shall have furnished proof of such publication and posting, and such other proof as is required by the coal-land laws: Provided, That nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district.

Act April 28, 1904, c. 1772, § 2, 33 Stat. 525.

**Adverse claims, and proceedings thereon.**

Sec. 3. That during such period of posting and publication, or within six months thereafter, any person or association of persons having or asserting any adverse interest or claim to the tract of land or any part thereof sought to be purchased shall file in the land office where such application is pending, under oath, an adverse claim, setting forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin an action to quiet title in a court of competent jurisdiction within the district of Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of such court therein.

Act April 28, 1904, c. 1772, § 3, 33 Stat. 525.

**Existing provisions not in conflict with this act continued in force.**

Sec. 4. That all the provisions of the coal-land laws of the United States not in conflict with the provisions of this Act shall continue and be in full force in the district of Alaska.

Act April 28, 1904, c. 1772, § 4, 33 Stat. 526.

## CHAPTER EIGHT.

### Reservation and Sale of Town-Sites on the Public Lands.

#### Sec. 2380.

##### **Town-sites to be reserved.**

Commutation for town-site purposes in Oklahoma, of homestead entries of certain ceded Indian lands, is authorized by Act March 11, 1902, c. 180, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

This chapter of the Revised Statutes is extended to and declared to be applicable to ceded Indian lands in Minnesota, by Act Feb. 9, 1903, c. 531, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

#### [TOWN-SITES IN OKLAHOMA.]

#### **ACT MAY 2, 1890, c. 182, § 22.**

##### **Town-site laws made applicable; lands open to entry; reservations for parks, etc.; rights of homestead settlers.**

The provisions of this section for commutation for town-site purposes of homestead entries is made applicable to certain ceded Indian lands in Oklahoma, by Act March 11, 1902, c. 180, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

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## CHAPTER NINE.

### Survey of the Public Lands.

#### Sec. 2399. [*As amended 1890, 1894.*]

[Amended. Act April 26, 1902, c. 592.]

This section is further amended by Act April 26, 1902, c. 592, set forth below.

#### **ACT APRIL 26, 1902, c. 592.**

An Act to Further Amend Section Twenty-Three Hundred and Ninety-Nine of the Revised Statutes of the United States. (32 Stat. 120.)

##### **Amendment of Rev. St. § 2399.**

Be it enacted, &c., That section twenty-three hundred and ninety-nine of the Revised Statutes of the United States, as amended by Act of Congress of October first, eighteen hundred and ninety (Statutes at Large, volume twenty-six, page six hundred and fifty), and Act of Congress of August fifteenth, eighteen hundred and ninety-

four (Statutes at Large, volume twenty-eight, page two hundred and eighty-five), be further amended so as to read as follows, namely:

**What instructions to be deemed part of contract.**

"Sec. 2399. The printed manual of surveying instructions for the survey of the public lands of the United States and private land claims, prepared at the General Land Office, and bearing date January first, nineteen hundred and two, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."

Rev. St. § 2399, as amended by Act Oct. 1, 1890, c. 1262, and Act Aug. 15, 1894, c. 288, mentioned in this act, is set forth in Comp. St. 1901, p. 1474. The amendment by this act consists in the substitution, for the Manual bearing date June 30, 1894, inserted by the last previous amendment, of the Manual bearing date Jan. 1, 1902, as set forth here.

**Sec. 2411.**

**ACT MARCH 3, 1901, c. 853, § 1.**

**Compensation for surveying in Colorado, Idaho, Montana, Nevada, Utah, Washington, Wyoming, Arizona, New Mexico, and Alaska.**

The provision of this act, set forth in Comp. St. 1901, p. 1482, is repeated in the same language in the sundry civil appropriation acts for subsequent years. This and other provisions, likewise repeated from year to year, accompanying the appropriations under the head "Surveying the Public Lands," as they appear in Act March 3, 1905, c. 1483, § 1, are set forth below.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

**Preferences in surveying; rates of compensation.**

For surveys and resurveys of public lands, four hundred thousand dollars, at rates not exceeding nine dollars per linear mile for standard and meander lines, seven dollars for township, and five dollars for section lines: Provided, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the Acts approved February twenty-second, eighteen hundred and eighty-nine, and the Acts approved July third and July tenth, eighteen hundred and ninety; and, second, to surveying under such other Acts as provide for land grants to the several States and Territories, except railroad land grants and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture and lines of reservations, except forest reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding thir-

teen dollars per linear mile for standard and meander lines, eleven dollars for township, and seven dollars for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding eighteen dollars per linear mile for standard and meander lines, fifteen dollars for township, and twelve dollars for section lines: Provided further, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding twenty-five dollars per linear mile for standard and meander lines, twenty-three dollars for township, and twenty dollars for section lines; the provisions of section twenty-four hundred and eleven, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon, are hereby extended to all of the above-named States and Territories and district. \* \*

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1184.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. The appropriation made and the provisos relating thereto are for the fiscal year only, but are repeated in the successive acts for recent years with little variation.

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## [CHAPTER NINE A.]

### [Geological Survey.]

The provisions of Act Oct. 2, 1888, c. 1069, § 1, and subsequent provisions mentioned in the note under this chapter in Comp. St. 1901, p. 1487, relating to investigation by the Geological Survey of the arid regions of the United States, for the purpose of determining whether the same can be redeemed by irrigation, are to a great extent superseded by the provisions, relating to the same subjects, of Act June 17, 1902, c. 1093, post, under chapter 11 of this Title, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

#### **ACT MARCH 3, 1887, c. 362.**

##### **Estimates for survey to be itemized.**

Notes, in the annual Book of Estimates, under each item of appropriation under "General Expenses of the Geological Survey," showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the preceding fiscal year, are required by a provision of Act June 28, 1902, c. 1301, § 1, post, under Title XLI, "Appropriations."

The purchase of professional and scientific books and periodicals for the scientific divisions of the Geological Survey is authorized by a provision of Act June 28, 1902, c. 1301, § 1, post, under Title XLI, "Appropriations."



**RES. MARCH 3, 1887, No. 16.****Distribution of memoirs to libraries.**

Further provisions relating to the printing and distribution of the publications of the Geological Survey, subsequent to the provisions referred to in the note under this resolution in Comp. St. 1901, p. 1490, are contained in Res. May 16, 1902, No. 22, and Act March 3, 1903, c. 1007, § 1, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

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## CHAPTER ELEVEN.

**Miscellaneous Provisions Relating to the Public Lands.**

[DISPOSITION OF SUSPENDED ENTRIES AND CLAIMS; INVALID AND DEFECTIVE CLAIMS AND PATENTS THEREFOR.]

**Sec. 2457.**

**ACT MARCH 9, 1904, c. 503. [H. R. 11812.]**

An Act Relating to Applications, Declaratory Statements, Entries, and Final Proofs under the Homestead and Other Land Laws, and to Confirm the Same in Certain Cases when Made Outside of the Land District within which the Land is Situated. (33 Stat. 64.)

**Entries and final proofs, made out of proper land district by error of officers, confirmed.**

Be it enacted, &c., That whenever it shall appear to the Commissioner of the General Land Office that an error has heretofore been made by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for are situated, as provided by the Act of March eleventh, nineteen hundred and two, such entry or proof shall be confirmed.

Act March 9, 1904, c. 503, § 1, 33 Stat. 64.

Act March 11, 1902, c. 182, mentioned in this section, amends Rev. St. § 2294, relating to the affidavits, proofs, etc., required to be made by applicants and entrymen under the homestead and various other laws, and is set forth ante under chapter 5 of this Title.

**Time of taking effect of act.**

Sec. 2. That this Act shall be in force from and after its passage and approval.

Act March 9, 1904, c. 503, § 2, 33 Stat. 64.

**ACT APRIL 21, 1904, c. 1402, § 1. [H. R. 12684.]****Exchange of lands, over which Indian reservation is extended, for other lands.**

That any private land over which an Indian reservation has been extended by Executive order, may be exchanged at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of equal area and value and situated in the same State or Territory.

Act April 21, 1904, c. 1402, § 1, 33 Stat. 211.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1905, cited above.

A previous similar provision for exchange of "any private lands occupied by actual settlers over which an Indian reservation has been or may be extended by Executive order," was contained in the similar act for the preceding year, Act March 3, 1903, c. 994, § 1, 32 Stat. 1000.

**[PROTECTION OF TIMBER; DEPREDACTIONS.]****Sec. 2463.****ACT JUNE 3, 1878, c. 151, § 4.****Cutting timber on public lands in public-land States punishable; exceptions.**

Besides the exceptions in the proviso annexed to Act June 3, 1878, c. 151, § 4, set forth in Comp. St. 1901, p. 1529, of certain purposes for which timber on public lands may be cut, the use of earth, stone, and timber from the public lands in the construction of irrigation works under Act June 17, 1902, c. 1093, set forth post, under this chapter, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation," is authorized by Act Feb. 8, 1905, c. 552, also set forth post, under that subchapter.

**ACT MAY 14, 1898, c. 299, § 11.****Sale of timber on public lands in Alaska.**

In addition to the provisions of Act May 14, 1898, c. 299, § 11, set forth in Comp. St. 1901, p. 1533, relating to the sale and use for certain purposes of timber on public lands in Alaska, pulp wood or wood pulp manufactured from timber in Alaska may be exported therefrom, by Act Feb. 1, 1905, c. 288, § 2, set forth below.

**ACT FEB. 1, 1905, c. 288, § 2. [H. R. 8460.]****Export of pulp wood or wood pulp from Alaska.**

That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom.

Act Feb. 1, 1905, c. 288, § 2, 33 Stat. 628.

This section is part of an act which transfers the execution of the laws relating to forest reserves from the Secretary of the Interior to the Secretary of Agriculture, other sections of which are set forth post, under this chapter, subchapter "Forest Reserves."

## [FOREST RESERVES.]

**ACT MARCH 3, 1891, c. 561, § 24.****Establishment of forest reserves.**

Before the passage of Act March 3, 1891, c. 561, § 24, set forth in Comp. St. 1901, p. 1537, providing for the setting apart and reservation by the President of forest lands, certain tracts of land in the State of California had been set apart as reserved forest lands, by Act Oct. 1, 1890, c. 1263, set forth below. And certain lands are segregated from Yosemite National Park, and are also set apart as reserved forest lands, by Act Feb. 7, 1905, c. 547, also set forth below.

Numerous special provisions for the disposition of Indian reservation lands either set apart a portion of such lands as a forest reserve, as though set apart by proclamation of the President under said Act March 3, 1891, c. 561, § 24, and subsequent laws amending and supplementing the same, or authorize the President to set apart a portion thereof, as he may deem proper, to constitute a forest reserve or to be added to such a reserve already existing.

The Secretary of Agriculture is to execute, or cause to be executed, all laws affecting public lands reserved under Act March 3, 1901, c. 561, § 24, set forth in Comp. St. 1901, p. 1537, and acts supplemental to and amendatory thereof, after such lands have been so reserved, except such laws as affect the surveying, etc., entering, etc., or patenting of any of such lands, by Act Feb. 1, 1905, c. 288, § 1, set forth below. The supervision of the forest reserves is thereby transferred from the Secretary of the Interior to the Secretary of Agriculture.

**ACT OCT. 1, 1890, c. 1263.**

An Act to Set Apart Certain Tracts of Land in the State of California as Forest Reservations. (26 Stat. 650.)

**Forest reserve in California; previous grants to State and bona fide entries not affected.**

Be it enacted, &c., That the tracts of land in the State of California known as described as follows: Commencing at the northwest corner of township two north, range nineteen east Mount Diablo meridian, thence eastwardly on the line between townships two and three north, ranges twenty-four and twenty-five east; thence southwardly on the line between ranges twenty-four and twenty-five east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township one south, ranges twenty-five and twenty-six east; thence southwardly on the line between ranges twenty-five and twenty-six east to the south-east corner of township two south, range twenty-five east; thence eastwardly on the line between townships two and three south, range twenty-six east to the corner to townships two and three south, ranges twenty-six and twenty-seven east; thence southwardly on the line between ranges twenty-six and twenty-seven east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township four south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two south, range nineteen east; thence westwardly on the line between townships one and two south to the southwest corner of township one south, range nineteen east; thence northwardly on the line between ranges eighteen

and nineteen east to the northwest corner of township two north, range nineteen east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: Provided, however, That nothing in this act shall be construed as in anywise affecting the grant of lands made to the State of California by virtue of the act entitled "An act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big-Tree Grove, approved June thirtieth, eighteen hundred and sixty-four; or as affecting any bona-fide entry of land made within the limits above described under any law of the United States prior to the approval of this act.

Act Oct. 1, 1890, c. 1263, § 1, 26 Stat. 650.

Other lands in California were set apart as a public park, and provisions similar to those of this act in regard to rules and regulations, leases of ground, preservation of fish and game, trespassers, etc., were made, by Act Sept. 25, 1890, c. 926, set forth post, under this chapter, subchapter "Parks and Reservations."

An appropriation for the improvement of the Yosemite National Park, on the recession by the State of California of the Yosemite Valley and the Mariposa Big Tree Grove, is made by Res. March 3, 1905, No. 30, set forth post, under this chapter, subchapter "Parks and Reservations."

**Rules and regulations for reserve; leases of ground; preservation of fish and game; removal of trespassers.**

Sec. 2. That said reservation shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres; at such places in said reservation as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said reservation to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish, and game found within said reservation, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Act Oct. 1, 1890, c. 1263, § 2, 26 Stat. 651.

The lands set apart as reserved forest lands by Act Feb. 7, 1905, c. 547, § 1, are made subject to all the provisions of this act, by a provision of that section, set forth below.

Provisions similar to those of this section, applicable to forest reser-

vations in general contained in Act June 4, 1897, c. 2, § 1, are set forth in Comp. St. 1901, pp. 1538-1542.

The execution of all laws affecting public lands reserved as forest reserves, after such lands are so reserved, with certain exceptions, is placed under the Secretary of Agriculture instead of the Secretary of the Interior, by Act Feb. 1, 1905, c. 288, § 1, set forth below.

#### **Additional forest reserves in California.**

Sec. 3. There shall also be and is hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and shall be set apart as reserved forest lands, as hereinbefore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township seventeen, south, range thirty east of the Mount Diablo meridian, excepting sections thirty-one, thirty-two, thirty-three, and thirty-four of said township, included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions and provisions, all of townships fifteen and sixteen, south, of ranges twenty-nine and thirty east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions and provisions, Sections five and six in township fourteen, south, range twenty-eight, east of Mount Diablo meridian, and also Sections thirty-one and thirty-two of township thirteen, south, range twenty-eight east of the same meridian. Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States.

Act Oct. 1, 1890, c. 1263, § 3, 26 Stat. 651.

#### **ACT JUNE 4, 1897, c. 2, § 1. [As amended 1901.]**

##### **Revocation of orders or proclamations establishing forest reserves.**

All laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by executive proclamation, are in force within the territory excluded from the Yosemite National Park and included in the Sierra Forest Reserve, by Act Feb. 7, 1905, c. 547, by a provision of section 2 of that act, set forth below.

##### **Protection of forest reserves; rules and regulations therefor.**

Instead of the Secretary of the Interior, who was authorized by various provisions of Act June 4, 1897, c. 2, § 1, set forth in Comp. St. 1901, pp. 1540, 1541, to protect, preserve, and regulate the use of forest reservations set aside under Act March 3, 1891, c. 561, § 24, set forth in Comp. St. 1901, p. 1537, the Secretary of Agriculture is to execute, or cause to be executed, all laws affecting lands reserved under said Act March 3, 1891, and acts supplemental to and amendatory thereof, by Act Feb. 1, 1905, c. 288, set forth below.

##### **Use of timber and stone by settlers.**

The use of earth, stone, and timber from the forest reserves in the construction of irrigation works under Act June 17, 1902, c. 1093, set forth post, under subchapter "Irrigation in Arid Regions; Grants of

Desert Lands to States for Reclamation," is authorized by Act Feb. 8, 1905, c. 552, also set forth post, under that subchapter.

**Rights of claimants of land.**

Provisions for the relief of bona fide settlers in forest reserves, created under Act March 3, 1891, c. 561, § 24, Comp. St. 1901, p. 1537, who had failed to place their claims of record within the statutory time, whereby the filing of such claims was permitted within a period of two years from the passage of the act, were contained in Act April 15, 1902, c. 507, 32 Stat. 106; the time limited thereby expiring April 15, 1904.

Private lands in the area included in the Sierra Forest Reserve by Act Feb. 7, 1905, c. 547, have not the privileges of the lieu-land scrip provisions of the land laws, by section 2 of that act.

And Act June 4, 1897, c. 2, Comp. St. 1901, pp. 1538-1542, and other acts, so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, are repealed by Act March 3, 1905, c. 1495, set forth below.

Settlers and owners of tracts within the Wind Cave National Park established by Act Jan. 9, 1903, c. 63, may relinquish them and secure other land, in accordance with the provisions for relinquishment of lands in forest reserves, by section 5 of that act, post, under subchapter "Parks and Reservations."

**Modification or vacation of executive orders; reduction of area; change of boundaries.**

The right to change the boundaries of forest reserves by executive proclamation is in force within the territory excluded from the Yosemite National Park and included in the Sierra Forest Reserve by Act Feb. 7, 1905, c. 547, by a provision of section 2 of that act, set forth below.

**ACT MARCH 3, 1901, c. 831, § 1.**

**Rights of claimants of land; indemnity selections.**

Private lands in the area included in the Sierra Forest Reserve by Act Feb. 7, 1905, c. 547, have not the privileges of the lieu-land scrip provisions of the land laws, by section 2 of that act, set forth below.

And the provisions of Act March 3, 1901, c. 831, § 1, set forth in Comp. St. 1901, p. 1544, for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, as well as the previous similar provisions of Act June 6, 1900, c. 791, § 1, referred to in the note under said act in Comp. St. 1901, p. 1544, and those of June 4, 1897, c. 2, § 1, Comp. St. 1901, p. 1541, are repealed by Act March 3, 1905, c. 1495, set forth below.

**ACT MARCH 3, 1901, c. 853, § 1.**

**Forestry agents, etc.; selection; fees; duties.**

The provision of this act set forth in Comp. St. 1901, p. 1544, is repeated in substantially the same language in the sundry civil appropriation acts for the fiscal years 1903, 1904, and 1905. But the execution of the laws affecting forest reserves having been placed, with certain exceptions, under the Secretary of Agriculture, the similar appropriations for the fiscal year ending June 30, 1906, are made in the agricultural appropriation act for that year, Act March 3, 1905, c. 1405, provisions of which are set forth below.

**ACT JAN. 24, 1905, c. 137. [H. R. 11584.]**

An Act for the Protection of Wild Animals and Birds in the Wichita Forest Reserve. (33 Stat. 614.)

**Areas in Wichita Forest Reserve to be set aside for protection as breeding place for game animals and birds.**

Be it enacted, &c., That the President of the United States is hereby authorized to designate such areas in the Wichita Forest Reserve as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

Act Jan. 24, 1905, c. 137, § 1, 33 Stat. 614.

**Hunting, trapping, killing, or capturing game animals or birds, within areas set aside, unlawful; penalty.**

Sec. 2. That when such areas have been designated as provided for in section one of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

Act Jan. 24, 1905, c. 137, § 2, 33 Stat. 614.

**Operation of local game laws as to private, State, or Territorial lands, not affected by this act.**

Sec. 3. That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State or Territorial lands.

Act Jan. 24, 1905, c. 137, § 3, 33 Stat. 614.

**ACT FEB. 1, 1905, c. 288. [H. R. 8460.]**

An Act Providing for the Transfer of Forest Reserves from the Department of the Interior to the Department of Agriculture. (33 Stat. 628.)

**Secretary of Agriculture to execute, or cause to be executed, laws affecting forest reserves; exceptions.**

Be it enacted, &c., That the Secretary of the Department of Agriculture shall, from and after the passage of this Act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and Acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting,

locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

Act Feb. 1, 1905, c. 288, § 1, 33 Stat. 628.

Act March 3, 1891, c. 561, § 24, and acts supplemental to and amendatory thereof, mentioned in this section, are set forth in Comp. St. 1901, pp. 1537-1544.

Before this act, the Secretary of the Interior was charged with the supervision of the public lands by Rev. St. § 441, Comp. St. 1901, p. 252, and with the execution of the laws relating to forest reserves by various special provisions thereof, set forth in Comp. St. 1901, pp. 1537-1544.

**Sec. 2. [Relates to export from Alaska of pulp wood or wood pulp.]**

This section permits pulp wood or wood pulp manufactured from timber in Alaska to be exported therefrom. It is set forth ante, under this chapter, subchapter "Protection of Timber; Depredations."

**Forest supervisors and rangers; selection.**

**Sec. 3.** That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

Act Feb. 1, 1905, c. 281, § 3, 33 Stat. 628.

Previous provisions relating to the selection of forestry agents, superintendents, and supervisors, etc., under the Secretary of the Interior, were contained in the sundry civil appropriation acts for each year. The provisions of Act March 3, 1901, c. 853, § 1, set forth in Comp. St. 1901, p. 1544, were repeated in substantially the same language in the subsequent similar acts for the fiscal years 1903, 1904, and 1905.

**Sec. 4. [Relates to grants of rights for construction and maintenance of dams, reservoirs, water plants, ditches, etc., within and across forest reserves.]**

This section grants rights of way within and across forest reserves for the construction and maintenance of dams, reservoirs, water plants, ditches, etc., for municipal or mining purposes, and for the purposes of milling and reduction of ores. It is set forth post, under this chapter, subchapter "Navigable Rivers, Highways, and Rights of Way."

**Disposition of money received from sale of products or use of land, etc.**

**Sec. 5.** That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States and for a period of five years from the passage of this Act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

Act Feb. 1, 1905, c. 281, § 5, 33 Stat. 628.

**ACT FEB. 6, 1905, c. 456. [H. R. 7296.]**

An Act for the Protection of the Public Forest Reserves and National Parks of the United States. (33 Stat. 700.)

**Arrests for violations of laws and regulations relating to forest reserves and national parks, and proceedings thereon.**

Be it enacted, &c., That all persons employed in the forest reserve and national park service of the United States shall have authority



to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

Act Feb. 6, 1905, c. 456, 33 Stat. 700.

Provisions similar to those of this act, contained in the agricultural appropriation act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1405, are set forth below.

**ACT FEB. 7, 1905, c. 547. [H. R. 17345.]**

An Act to Exclude from the Yosemite National Park, California, Certain Lands therein Described, and to Attach and Include the said Lands in the Sierra Forest Reserve. (33 Stat. 702.)

**Forest reserves in California; lands segregated from Yosemite National Park and included in Sierra Forest Reserve; rights of way over lands; disposition of money received from privileges.**

Be it enacted, &c., That the tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections three and four, township four south, range twenty east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships three and four south, range twenty east, to the northwest corner of section three, township three south, range twenty east; thence westerly along township line to the southwest corner of section thirty-three, township two south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence southerly along range line to the southeast corner of the northeast quarter of section twenty-four, township two south, range nineteen east; thence westerly to the southwest corner of the northeast quarter of section twenty-four, said township; thence southerly to the southeast corner of the southwest quarter of section twenty-four, said township; thence westerly along section lines to the southwest corner of section twenty-three, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section fourteen, said township; thence easterly to the northeast corner of the southeast quarter of section fourteen, said township; thence northerly along section line to the northwest corner of section thirteen, said township; thence easterly along section line to the northeast corner of section thirteen, said township; thence northerly along range line to the northwest corner of the southwest quarter of section seven, township two south, range twenty east; thence easterly to the northeast corner of the southeast quarter of section seven, said township; thence

southerly along section line to the northwest corner of section seventeen, said township; thence easterly along section lines to the northeast corner of section sixteen, said township; thence northerly along section lines to the northwest corner of section three, said township; thence westerly along township line to the southwest corner of section thirty-three, township one south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence northerly along range line to the northwest corner of section six, said township; thence westerly along Mount Diablo base line to the southwest corner of section thirty-four, township one north, range nineteen east; thence northerly along section lines through the middle of townships one and two north, range nineteen east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin rivers; thence southwestwardly along said divide to the point of intersection with the south boundary of township four south, range twenty-three east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of the Act of Congress approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations:" Provided, That all those tracts or parcels of land described in section one of the said Act of October first, eighteen hundred and ninety, and not included within the metes and bounds of the land above described, be, and the same are hereby, included in and made part of the Sierra Forest Reserve: And provided further, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the Act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra Forest Reserve shall be paid into the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the forest lands herein set aside and reserved, which shall hereafter be known as the "Yosemite National Park."

Act Feb. 7, 1905, c. 547, § 1, 33 Stat. 702.

The provisions of Act Oct. 1, 1890, c. 1263, mentioned in this section, setting apart certain lands in California as forest reservations, are set forth above.

Act Feb. 15, 1901, c. 372, also mentioned in this section, relating to

rights of way over certain parks, reservations, etc., including Yosemite National Park, is set forth in Comp. St. 1901, p. 1584.

**Rights of claimants and owners of lands included in reserve; laws, etc., affecting forest reservations applicable within territory included.**

Sec. 2. That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this Act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this Act from the Yosemite National Park, except as herein otherwise provided.

Act Feb. 7, 1905, c. 547, § 2, 33 Stat. 703.

Previous provisions affecting forest reserves, mentioned in this section, are set forth in Comp. St. 1901, pp. 1537-1544. The lieu-land scrip provisions, mentioned therein, contained in Act June 4, 1897, c. 2, § 1, Act June 6, 1900, c. 701, § 1, and Act March 3, 1901, c. 831, § 1, are repealed by Act March 3, 1905, c. 1495, set forth below.

**Time of taking effect of act.**

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Act Feb. 7, 1905, c. 547, § 3, 33 Stat. 703.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]**

**Duties of persons in Forest Reserve and National Park Service; prevention and extinguishment of forest fires and protection of fish and game; arrests for violations of laws and regulations relating to forest reserves and national parks, and proceedings thereon; permission to remove timber, etc.**

General expenses, Forest Service: \* \* for all expenses necessary to protect, administer, improve, and extend the National forest reserves, and officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories in the prevention and extinguishment of forest fires and the protection of fish and game, and all persons employed in the forest reserve and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

For ascertaining the natural conditions upon and for utilizing the National forest reserves—and the Secretary of Agriculture may, in

his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota and the Forest Reserves in Idaho, to be exported from the State, Territory, or the District of Alaska, in which said reserves are respectively situated—for the employment of local and special fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of forest reserves, and in conducting experiments and investigations in the city of Washington and elsewhere; and he may dispose of photographic prints at cost and ten per centum additional, and other property or materials under his charge in the same manner as provided by law for other bureaus; for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; and for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges and traveling and other necessary expenses, \* \*

Act March 3, 1905, c. 1405, 33 Stat. 872.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

Similar provisions for aiding in the enforcement of local laws for protection of fish and game, contained in Act March 3, 1901, c. 853, § 1, and other appropriation acts, are set forth in Comp. St. 1901, p. 1544.

Similar provisions, in regard to arrests for violations of laws and regulations relating to forest reserves and national parks, are contained in Act Feb. 6, 1905, c. 456, set forth above.

The export from Alaska of pulp wood or wood pulp manufactured from timber in the district is permitted by Act Feb. 1, 1905, c. 281, § 2, set forth ante, under this chapter, subchapter "Protection of Timber; Depredations."

#### **ACT MARCH 3, 1905, c. 1495. [H. R. 14622.]**

**An Act Prohibiting the Selection of Timber Lands in Lieu of Lands in Forest Reserves. (33 Stat. 1264.)**

**Rights of claimants of land; provisions for selection of lands, in lieu of lands covered by unperfected claim or patent, repealed.**

Be it enacted, &c., That the Acts of June fourth, eighteen hundred and ninety-seven, June sixth, nineteen hundred, and March third, nineteen hundred and one, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, but the validity of contracts entered into by the Secretary of the Interior prior to the passage of this Act shall not be impaired: Provided, That selections heretofore made in lieu of lands relinquished to the United States may be perfected and patents issue therefor the same as though this Act had not been passed, and if for any reason not the fault of the party making the same any pending selection is held invalid another selection for a like quantity of land may be made in lieu thereof.

Act March 3, 1905, c. 1495, 33 Stat. 1264.

The provisions of Act June 4, 1897, c. 2, § 1, and Act March 3, 1901, c. 831, § 1, for selection of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, repealed by this section, are set forth in Comp. St. 1901, pp. 1541, 1544.

[IRRIGATION IN ARID REGIONS; GRANTS OF DESERT LANDS TO STATES FOR RECLAMATION.]

**ACT OCT. 2, 1888, c. 1069.**

**Investigation of arid regions by Geological Survey; reservations for reservoir sites, etc.; opening lands to homestead entries.**

The provisions of this act, and subsequent provisions amendatory thereof and supplementary thereto, of Act March 2, 1889, c. 411, § 1. Act Aug. 30, 1890, c. 837, § 1, and Act March 3, 1891, c. 561, § 17, set forth in Comp. St. 1901, pp. 1552-1554, are to a great extent superseded by the provisions, relating to the same subjects, of Act June 17, 1902, c. 1093, set forth below.

**ACT MARCH 2, 1889, c. 411, § 1.**

**Report of expenditures for investigation of arid regions.**

The provision of this act, set forth in Comp. St. 1901, p. 1553, requiring a report to Congress by the Director of the Geological Survey, under supervision of the Secretary of the Interior, is superseded by the requirement of a similar report by the Secretary, by Act June 17, 1902, c. 1093, § 2, set forth below.

**ACT AUG. 30, 1890, c. 837, § 1.**

**Repeal in part of Act Oct. 2, 1888, c. 1069; entries on arid lands; reservation of reservoir sites.**

The provisions of this act, set forth in Comp. St. 1901, p. 1553, as well as those of Act Oct. 2, 1888, c. 1069, repealed in part thereby, relating to the withdrawal from entry of public lands, are superseded by the provisions, relating to the same subject, of Act June 17, 1902, c. 1093, §§ 3, 4, set forth below.

**ACT AUG. 18, 1894, c. 301, § 4. [As amended 1896, 1901.]**

**Contracts by United States with public-land States for donation of arid lands.**

State laws relating to irrigation and vested rights acquired thereunder, and rights of any State or of the Federal government, or of any land-owner, proprietor, or user of water, in waters of interstate streams, are not affected by Act June 17, 1902, c. 1093, by section 8 of that act, set forth below.

**ACT JUNE 11, 1896, c. 420, § 1.**

**Liens for expenses of reclamation of arid lands.**

See note under Act Aug. 18, 1894, c. 301, § 4, above.

**ACT JUNE 17, 1902, c. 1093.**

An Act Appropriating the Receipts from the Sale and Disposal of Public Lands in Certain States and Territories to the Construction of Irrigation Works for the Reclamation of Arid Lands. (32 Stat. 388.)

**Receipts from public lands in certain States and Territories appropriated as reclamation fund; insufficiency of proceeds of other public lands for support of agricultural colleges to be supplied from other moneys.**

Be it enacted, &c., That all moneys received from the sale and dis-

posals of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June thirtieth, nineteen hundred and one, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the five per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this Act: Provided, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the Act of August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

Act June 17, 1902, c. 1093, § 1, 32 Stat. 388.

This act supersedes to a great extent the previous provisions relating to irrigation of arid lands, contained in Act Oct. 2, 1888, c. 1069, and subsequent amendatory and supplementary provisions, set forth in Comp. St. 1901, pp. 1552-1554.

The return to the reclamation fund of the cost of construction of works for irrigation, from charges on the lands irrigated, and the purposes for which the fund may be used, are provided for by sections 4-7 of this act, set forth below.

The method of apportionment of the expenditure of funds among the States and Territories is prescribed, and equalization of such expenditures is provided for, by section 9 of this act, set forth below.

Proceeds of sales of material utilized for temporary work and structures in connection with the operations under this act, as well as of sales of other condemned property purchased under its provisions, and any moneys refunded in connection with operations under it, are to be covered into the reclamation fund, by Act March 3, 1905, c. 1459, set forth below.

**Surveys for and location and construction of irrigation works; reports to Congress.**

Sec. 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which

can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed.

Act June 17, 1902, c. 1098, § 2, 32 Stat. 388.

This section supersedes the previous similar provisions for investigations and surveys by the Geological Survey and for reports thereof by the Director of the Geological Survey, contained in Act Oct. 2, 1888, c. 1069, and Act March 2, 1889, c. 411, § 1, Comp. St. 1901, pp. 1552, 1553.

**Withdrawal from entry of lands required for works and lands susceptible of irrigation; lands to be irrigated subject to entry under homestead laws; commutation provisions not applicable.**

Sec. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section four of this Act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this Act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this Act; and the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: Provided, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this Act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than forty nor more than one hundred and sixty acres, and shall be subject to the limitations, charges, terms, and conditions herein provided: Provided, That the commutation provisions of the homestead laws shall not apply to entries made under this Act.

Act June 17, 1902, c. 1098, § 3, 32 Stat. 388.

Requirements to be performed by the entryman of lands to be irrigated, in addition to compliance with the homestead laws, are contained in section 5 of this act, set forth below.

**Contracts for irrigation works; public notice of lands irrigable, limit of entry, charges, etc.; eight hours to be a day's work; no Mongolian labor to be employed.**

Sec. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the

support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: Provided, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

Act June 17, 1902, c. 1093, § 4, 32 Stat. 389.

The use of earth, stone, and timber from the public lands and from the forest reserves in the construction of irrigation works is authorized by Act Feb. 8, 1905, c. 552, set forth below.

Changes of the levels of certain lakes, etc., in Oregon and California, in carrying out irrigation projects under this act, are authorized by Act Feb. 9, 1905, c. 567, set forth below.

The construction of dams in or across Yellowstone River in Montana, in carrying out irrigation projects under this act, is authorized by Act March 3, 1905, c. 1476, set forth below.

**Requirements to be performed by entryman; sale of water rights to landowners; payments, and forfeiture for nonpayment; disposition of receipts; commissions of registers and receivers.**

Sec. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section four. No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this Act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this Act.

Act June 17, 1902, c. 1093, § 5, 32 Stat. 389.

**Use of reclamation fund for reservoirs and irrigation works; transfer of management of irrigation works to landowners; title to and management of reservoirs, etc.**

Sec. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this Act: Provided, That when the payments required by this Act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the manage-



ment and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: Provided, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

Act June 17, 1902, c. 1093, § 6, 32 Stat. 389.

**Acquisition of rights or property for purposes of act; condemnation proceedings.**

Sec. 7. That where in carrying out the provisions of this Act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this Act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

Act June 17, 1902, c. 1093, § 7, 32 Stat. 389.

Provisions applicable generally to proceedings to acquire real estate for public uses by condemnation are contained in Act Aug. 1, 1888, c. 728, Comp. St. 1901, pp. 2516, 2517.

**Irrigation laws of States and Territories, and rights to waters of interstate streams, not affected by act; extent of right to use of water acquired under act.**

Sec. 8. That nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: Provided, That the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

Act June 17, 1902, c. 1093, § 8, 32 Stat. 390.

**Apportionment of expenditure of funds among States and Territories; equalization.**

Sec. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this Act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: Provided, That the Secretary may temporarily use such portion of said funds for the benefit of arid or

semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period after the passage of this Act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

Act June 17, 1902, c. 1093, § 9, 32 Stat. 390.

**Execution of provisions of act and regulations therefor.**

Sec. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

Act June 17, 1902, c. 1093, § 10, 32 Stat. 390.

**ACT FEB. 8, 1905, c. 552. [H. R. 14710.]**

An Act Authorizing the Use of Earth, Stone, and Timber on the Public Lands and Forest Reserves of the United States in the Construction of Works under the National Irrigation Law. (33 Stat. 706.)

**Use of earth, stone, and timber from public lands and forest reserves for construction of irrigation works.**

Be it enacted, &c., That in carrying out the provisions of the national irrigation law, approved June seventeenth, nineteen hundred and two, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him.

Act Feb. 8, 1905, c. 552, 33 Stat. 706.

**ACT FEB. 9, 1905, c. 567. [S. 6312.]**

An Act Authorizing the Changing of the Levels of Certain Lakes and the Disposal of Certain Lands under the Terms of the National Reclamation Act. (33 Stat. 714.)

**Change of levels of lakes, etc., in Oregon and California, in carrying out irrigation projects; disposition of lands acquired.**

Be it enacted, &c., That the Secretary of the Interior is hereby authorized in carrying out any irrigation project that may be undertaken by him under the terms and conditions of the national reclamation Act and which may involve the changing of the levels of Lower or Little Klamath Lake, Tule or Rhett Lake, and Goose Lake, or any river or other body of water connected therewith, in the States of Oregon and California, to raise or lower the level of said lakes as may be necessary

and to dispose of any lands which may come into the possession of the United States as a result thereof by cession of any State or otherwise under the terms and conditions of the national reclamation Act.

Act Feb. 9, 1905, c. 567, 33 Stat. 714.

**ACT MARCH 3, 1905, c. 1459. [H. R. 18528.]**

An Act to Provide for the Covering into the Reclamation Fund Certain Proceeds of Sales of Property Purchased by the Reclamation Fund. (33 Stat. 1032.)

**Disposition of proceeds of sales of material used and other property, and of moneys refunded in connection with operations.**

Be it enacted, &c., That there shall be covered into the reclamation fund established under the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, the proceeds of the sales of material utilized for temporary work and structures in connection with the operations under the said Act, as well as of the sales of all other condemned property which had been purchased under the provisions thereof, and also any moneys refunded in connection with the operations under said reclamation Act.

Act March 3, 1905, c. 1459, 33 Stat. 1032.

**ACT MARCH 3, 1905, c. 1476. [H. R. 19118.]**

An Act to Authorize the Secretary of the Interior to Construct Dams across the Yellowstone River in Montana in Connection with Irrigation Works. (33 Stat. 1045.)

**Construction of dams in or across Yellowstone River in Montana in carrying out irrigation projects.**

Be it enacted, &c., That where, in carrying out projects under the provisions of the national reclamation Act, it shall be necessary to construct dams in or across the Yellowstone River in the State of Montana, the Secretary of the Interior is hereby authorized to construct and use and operate the same in the manner and for the purposes contemplated by said reclamation Act.

Act March 3, 1905, c. 1476, 33 Stat. 1045.

**[COPIES OF RECORDS; EVIDENCES OF TITLE.]**

**Sec. 2469.**

**Copies of records, etc., to be certified.**

Besides the provisions for certifying records, books, and papers in the General Land Office, contained in Rev. St. § 891, Comp. St. 1901, p. 672, and in Rev. St. §§ 2469, 2470, Comp. St. 1901, p. 1557, subsequent provisions for authentication and certification of such copies by the Recorder as well as by the Commissioner of the General Land Office are contained in Act April 19, 1904, c. 1394, set forth ante, under Title XI, "The Department of the Interior," c. 3.

Provisions for transmission of original papers on file in the General Land Office for use as evidence are contained in Act April 19, 1904, c. 1396, set forth ante, under Title XIII, "The Judiciary," c. 17.

Provisions for admission in evidence of transcripts, certified by reg-

isters and receivers of land offices, of records in their offices, are contained in Act March 22, 1904, c. 748, set forth under chapter 2 of this Title.

[PARKS AND RESERVATIONS.]

**Sec. 2475.**

**ACT DEC. 16, 1878, c. 5. [As amended 1904.]**

An Act to Correct an Error of Enrollment in Bill Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen hundred and seventy-nine, and for Other Purposes. (20 Stat. 258.)

**Hot Springs reservation; establishment; leases of ground, bath houses, and supply of water; dedication of Hot Springs, with reservation and mountain, to United States, forever free from sale or alienation.**

Be it enacted, &c., \* \* [Part of act omitted temporary, relating to proceedings for establishment of Hot Springs Reservation.] And the Secretary of the Interior is hereby directed to lease to the present proprietors of the Arlington Hotel or their assigns the grounds, not exceeding one acre, now occupied by them, for a period of ten years, unless otherwise provided by law, at an annual rental of one thousand dollars. And he is further directed to lease the bath houses of a permanent nature now upon the Hot Springs reservation to the owners of the same, and lease to any person or persons upon such terms as may be agreed on, sites for the building of other bath houses for the term of five years, unless otherwise provided by law, under such rules and regulations as he may prescribe; and the tax imposed shall not exceed fifteen dollars per tub per annum, including land rent: Provided, That said leases shall in no way prejudice any legal right that any person or persons may have acquired under the act hereby revived and continued, to any improvements on said ground: And provided further, That the Secretary of the Interior be, and he is hereby, authorized to grant to hotels having bath houses attached, and to bath houses situated on the Hot Springs Reservation, as well as in the city of Hot Springs, Arkansas, the right to install, maintain, and use, either in said bath houses or in connection with the rooms of said hotels or the bath houses attached to said hotels, as many bath tubs as in his discretion he may deem proper and necessary for the public service and the amount of hot water will justify. And provided further, That the superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent, and the expense thereof shall be defrayed out of the rentals hereinbefore provided for.

In cases where fractions of lots are made by straightening, widening or laying out streets, the commissioners shall have power to determine the disposal of the same, giving the preference to the owners of abutting lots: Provided, That all titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the reservation and mountain are hereby dedi-

cated to the United States, and shall remain forever free from sale or alienation.

Act Dec. 16, 1878, c. '5, 20 Stat. 258. April 12, 1904, c. 1249, 33 Stat. 173.

The sundry civil appropriation act for the fiscal year ending June 30, 1879, Act June 20, 1878, c. 359, § 1, 20 Stat. 230, mentioned in the title of this act, contained a provision in the same words as that of this act for the lease of bath houses of a permanent nature, followed by the words, "Provided, That;" the substance of the proviso being omitted.

The second proviso of this act, as originally enacted, which limited the supply of water to not more than enough for 40 bath tubs of the usual size to a single establishment, is stricken out, and in lieu thereof the second proviso set forth here is inserted, by Act April 12, 1904, c. 1249, cited above.

The portion of this act omitted here made an appropriation for the expenses of the Hot Springs Commission, and provided for the appointment of a board of commissioners, conferring upon them the powers of the commissioners appointed under the previous Act March 3, 1877, c. 108, 19 Stat. 377, to lay out, etc., the Hot Springs Reservation, and revived and continued in force said preceding act, to enable the commissioners to perform the acts and duties authorized by it. These and other earlier provisions relating to the establishment and management of the reservation were temporary merely and have been executed.

The provisions of this act relating to leases of ground, bath houses, etc., were also in part temporary in nature, and appear to be superseded, to a great extent, by those of Act March 3, 1891, c. 533, set forth below; but this act is recognized by the subsequent amendment by Act April 12, 1904, c. 1249, mentioned above.

The cession by the State of Arkansas to the United States of exclusive jurisdiction over a part of the permanent Hot Springs Reservation is accepted, and the prosecution and punishment of offenses committed therein are provided for, by Act April 20, 1904, c. 1400, set forth below.

Provisions for the reservation of the Sulphur Springs in the Chickasaw Nation, Indian Territory, are made by Act July 1, 1902, c. 1362, par. 64, 32 Stat. 655, and Act April 21, 1904, c. 1402, § 18, 33 Stat. 220; but the provision first mentioned declares its intention to be "that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such territorial or state organization as may exist at the time when such conveyance is made."

#### **ACT JUNE 30, 1882, c. 254.**

##### **Army and Navy Hospital on Hot Springs Reservation.**

\* \* Army and Navy hospital at Hot Springs, Arkansas, which shall be erected by and under the direction of the Secretary of War, in accordance with plans and specifications to be prepared and submitted to the Secretary of War by the Surgeons-General of the Army and Navy; which hospital, when in a condition to receive patients, shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States: Provided further, That such hospital shall be erected on the government reservation at or near Hot Springs, Arkansas.

Act June 30, 1882, c. 254, 22 Stat. 121.

These are provisos accompanying an appropriation for the erection of the hospital mentioned, in the Army appropriation act for the fiscal year ending June 30, 1883, cited above.

**ACT SEPT. 25, 1890, c. 926.**

An Act to Set Apart a Certain Tract of Land in the State of California as a Public Park. (26 Stat. 478.)

**Preamble.**

Whereas, the rapid destruction of timber and ornamental trees in various parts of the United States, some of which trees are the wonders of the world on account of their size and the limited number growing, makes it a matter of importance that at least some of said forests should be preserved: Therefore

**Public park in California.**

Be it enacted, &c., That the tract of land in the State of California known and described as township numbered eighteen south, of range numbered thirty east, also township eighteen south range thirty-one east; and sections thirty-one, thirty-two, thirty-three, and thirty-four, township seventeen, south range thirty east, all east of Mount Diablo meridian, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom.

Act Sept. 25, 1890, c. 926, § 1, 26 Stat. 478.

Other lands in California were set apart as forest reserves, and provisions similar to those of this act in regard to rules and regulations, leases of ground, preservation of fish and game, trespassers, etc., were made by Act Oct. 1, 1890, c. 1263, and Act Feb. 7, 1905, c. 547, set forth ante, under this chapter, subchapter "Forest Reserves."

The detail of troops for the protection of the lands set apart by this act, included in the Sequoia National Park, and of the Yosemite National Park and the General Grant National Park, is authorized by a provision of Act June 6, 1900, c. 791, § 1, set forth in Comp. St. 1901, p. 1566.

**Rules and regulations for park; leases of ground; preservation of fish and game; removal of trespassers.**

Sec. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon

the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Act Sept. 25, 1890, c. 926, § 2, 26 Stat. 478.

**ACT MARCH 3, 1891, c. 533.**

An Act to Regulate the Granting of Leases at Hot Springs, Arkansas, and for Other Purposes. (26 Stat. 842.)

**Hot Springs Reservation; leases of bath houses and bath house sites; supply of water.**

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and empowered to execute leases to the bath-houses and bath-house sites on the permanent reservation at Hot Springs, Arkansas, for periods not exceeding twenty years, and at an annual rental of not less than thirty dollars per tub for each tub used in any bath-house. Said annual rental shall be payable quarterly in advance, at the office of the Government Superintendent of said property, in Hot Springs, Arkansas: Provided, That the same rate for water rent shall be charged for the water to all parties receiving the same, whether on or off the permanent reservation: Provided, That after the Army and Navy hospital bath-house, the public bath-house, the bath-houses which are now or may hereafter be authorized on the permanent reservation, the Arlington Hotel, and the bath-houses off the permanent reservation now authorized to be supplied with hot water, in the order herein named, if there shall still be a surplus of hot water the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to be furnished to bath-houses, hotels, and families off the permanent reservation: Provided, That such bath-houses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense: Provided, That all water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price, as shall be fixed by the Secretary of the Interior: Provided further, That the Secretary of the Interior shall at the expiration of each period of five years during the continuance of each lease made hereunder readjust the terms and amounts of payment provided for therein as may be just, but not less than the minimum herein provided.

Act March 3, 1891, c. 533, § 1, 26 Stat. 842.

Previous provisions relating to the subjects of this and other sections of this act, contained in Act Dec. 16, 1878, c. 5, are set forth above. An amendment incorporated therein, as stated in the note under that act, affecting the limitation thereby of the supply of water, was made subsequent to this act.

**Lease of Arlington Hotel.**

Sec. 2. That the Secretary of the Interior is hereby authorized to execute a lease of the Arlington Hotel site at Hot Springs, Arkansas, to the present lessees for a period of twenty years, and at an annual ground rent of two thousand five hundred dollars, for the first five years thereof, and at the end of said period of five years, and of each

period of five years thereafter, he shall readjust and fix the compensation to be paid during the ensuing five years, but not less than that hereinbefore provided for.

Act March 3, 1891, c. 533, § 2, 26 Stat. 842.

**Rules and regulations as to leases, privileges, supply and use of water, buildings, etc.**

Sec. 3. That all power now possessed by the Secretary of the Interior for the regulating of leases of bath-houses, bath-house privileges, or hotel rights on the reservation, or as to supplying hot water to places off the reservation, is hereby retained and continued in him; and full power is vested in the Secretary of the Interior to provide, in all leases to be executed against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bath-house; full power is also vested in him to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of the reservation to make examination and inspection at any time of the manner of using the hot water at any bath-tub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bath-house furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bath-houses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations now in force or which may be hereafter adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privilege for hot water that the bath-house for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bath-house on or near the Hot Springs Reservation; that neither the hot-water privilege granted nor any interest therein, nor the right to operate or control said bath-house, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bath-house be transferred to any person, company, or corporation owning or interested in any other bath-house on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bath-house provided for of the hot water and cancel the lease or agreement. All buildings to be erected on the reservation shall be on plans first approved by the Secretary of the Interior, and shall be required to be fire proof, as nearly as practicable.

Act March 3, 1891, c. 533, § 3, 26 Stat. 843.



**Investigation as to interest of applicant for lease, etc., in other bath house; refusal or forfeiture of lease or privilege where parties are otherwise interested.**

Sec. 4. That the Secretary of the Interior, before executing any lease to bath-houses or bath-house sites on the permanent reservation or contracts for the use of hot water for bath-houses off the permanent reservation, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease or contract are not, directly or indirectly, interested in any manner whatever in any other bath-house lease, interest, or privilege at or near Hot Springs, Arkansas, or whether he or they belong to any pool, combination, or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or association interested in any other bath-house, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time it appears to the satisfaction of the said Secretary that such interest in other bath-house, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bath-houses or he deems it for the best interests of the management of the Hot Springs Reservation and waters, or for the public interest he may refuse such lease, license, permit or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid.

Act March 3, 1891, c. 533, § 4, 26 Stat. 843.

This act is not to be so construed as to prevent the operation of a bath house in connection with a hotel as part thereof, by section 8 of the act, set forth below.

**Taxation, under laws of State, of private property on reservation.**

Sec. 5. That the consent of the United States is hereby given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs Reservation.

Act March 3, 1891, c. 533, § 5, 26 Stat. 844.

**Collection of water on reservation.**

Sec. 6. That the authority heretofore conferred upon the Secretary of the Interior to collect the hot water upon said reservation shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized.

Act March 3, 1891, c. 533, § 6, 26 Stat. 844.

**Sale of lots not permanently reserved.**

Sec. 7. That the Secretary of the Interior may direct the public sale

of all unsold Government lots on the Hot Springs Reservation, and not now permanently reserved at the city of Hot Springs, after having had the same reappraised, and also advertised as now required by law, and no lot shall be sold at less than the appraised price.

Act March 3, 1891, c. 533, § 7, 26 Stat. 844.

**Act not to be construed to prevent operation of bath house in connection with hotel.**

Sec. 8. Nothing in this act shall be so construed as to prevent the stockholders of any Hotel from operating a bath-house in connection with such Hotel as a part thereof.

Act March 3, 1891, c. 533, § 8, 26 Stat. 844.

**ACT AUG. 3, 1894, c. 198.**

**Leases of lands in Yellowstone Park.**

The use, by private parties doing business in the park, of electricity furnished by the electric plant of Fort Yellowstone and Mammoth Hot Springs may be permitted by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

**ACT JUNE 6, 1900, c. 791, § 1.**

**Detail of troops for protection of Sequoia, Yosemite, and General Grant Parks.**

An appropriation for the management, protection, and improvement of Yosemite National Park is made by Res. March 3, 1905, No. 30, set forth below, which is entitled as accepting the recession by the State of California of the Yosemite Valley Grant and the Mariposa Big Tree Grove.

Certain lands described are segregated from Yosemite National Park and made part of Sierra Forest Reserve, by Act Feb. 7, 1905, c. 547, set forth ante, under this chapter, subchapter "Forest Reserves."

**Road extensions in Yellowstone Park.**

Contracts for improvements in Yellowstone Park are authorized by provisions of Act June 28, 1902, c. 1301, § 1, post, under Title XLIII A, "Public Buildings and Works."

**ACT MAY 22, 1902, c. 820.**

An Act Reserving from the Public Lands in the State of Oregon, as a Public Park for the Benefit of the People of the United States, and for the Protection and Preservation of the Game, Fish, Timber, and All Other Natural Objects Therein, a Tract of Land Herein Described, and so Forth. (32 Stat. 202.)

**Crater Lake National Park; establishment.**

Be it enacted, &c., That the tract of land bounded north by the parallel forty-three degrees four minutes north latitude, south by forty-two degrees forty-eight minutes north latitude, east by the meridian one hundred and twenty-two degrees west longitude, and west by the meridian one hundred and twenty-two degrees sixteen minutes west longitude, having an area of two hundred and forty-nine square miles, in the State of Oregon, and including Crater Lake, is hereby reserved and withdrawn from settlement, occupancy, or sale

under the laws of the United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as Crater Lake National Park.

Act May 22, 1902, c. 820, § 1, 32 Stat. 202.

**Park under control of Secretary of the Interior; regulations.**

Sec. 2. That the reservation established by this Act shall be under the control and custody of the Secretary of the Interior, whose duty it shall be to establish rules and regulations and cause adequate measures to be taken for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, the punishment of trespassers, the removal of unlawful occupants and intruders, and the prevention and extinguishment of forest fires.

Act May 22, 1902, c. 820, § 2, 32 Stat. 202.

**Settlement, residence, lumbering, etc., within park, punishable; admission of visitors; location and working of mining claims; places of entertainment.**

Sec. 3. That it shall be unlawful for any person to establish any settlement or residence within said reserve, or to engage in any lumbering, or other enterprise or business occupation therein, or to enter therein for any speculative purpose whatever, and any person violating the provisions of this Act, or the rules and regulations established thereunder, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, and shall further be liable for all destruction of timber or other property of the United States in consequence of any such unlawful act: Provided, That said reservation shall be open, under such regulations as the Secretary of the Interior may prescribe, to all scientists, excursionists, and pleasure seekers and to the location of mining claims and the working of the same: And provided further, That restaurant and hotel keepers, upon application to the Secretary of the Interior, may be permitted by him to establish places of entertainment within the Crater Lake National Park for the accommodation of visitors, at places and under regulations fixed by the Secretary of the Interior, and not otherwise.

Act May 22, 1902, c. 820, § 3, 32 Stat. 203.

**ACT JAN. 9, 1903, c. 63.**

An Act to Set Apart Certain Lands in the State of South Dakota as a Public Park, to be Known as the Wind Cave National Park. (32 Stat. 765.)

**Wind Cave National Park; establishment.**

Be it enacted, &c., That there are hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southeast corner of section thirteen, township six south, range five east, Black Hills meridian, South Dakota; thence westerly to the southwest corner of

the southeast quarter of section sixteen, said township; thence northerly along the quarter-section lines to the northwest corner of the northeast quarter of section four, said township; thence easterly to the southwest corner of section thirty-four, township five south, range five east; thence northerly to the northwest corner of said section; thence easterly to the northeast corner of section thirty-one, township five south, range six east; thence southerly along the section lines to the southeast corner of section seven, township six south, range six east; thence westerly to the southwest corner of said section; thence southerly to the southeast corner of section thirteen, township six south, range five east, the place of beginning: Provided, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park.

Act Jan. 9, 1903, c. 63, § 1, 32 Stat. 735.

**Park under control of Secretary of the Interior; regulations.**

Sec. 2. That said park shall be known as the Wind Cave National Park and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same.

Act Jan. 9, 1903, c. 63, § 2, 32 Stat. 765.

**Leases of cavern and lands within park.**

Sec. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, the cavern underlying the above-described lands, and also pieces and parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

Act Jan. 9, 1903, c. 63, § 3, 32 Stat. 765.

**Use of funds arising from rentals or leases.**

Sec. 4. That all funds arising from such rentals or leases shall be covered into the Treasury of the United States as a special fund to be expended in the care and improvement of said park.

Act Jan. 9, 1903, c. 63, § 4, 32 Stat. 765.

**Relinquishment by settlers or owners of tracts within park in exchange for other land.**

Sec. 5. That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of this park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of the park, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in forest reserves in the State of South Dakota.

Act Jan. 9, 1903, c. 63, § 5, 32 Stat. 766.

**Unlawful intrusion upon park, or unauthorized injury to property, or violation of regulations, punishable.**

Sec. 6. That all persons who shall unlawfully intrude upon said

park, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall upon conviction be fined in a sum not more than one thousand dollars or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

Act Jan. 9, 1903, c. 63, § 6, 32 Stat. 766.

**ACT MARCH 3, 1903, c. 1007, § 1.**

**Use of electricity by private parties in Yellowstone Park.**

Private parties or companies doing business in the Yellowstone National Park under authority from the Government may be permitted, in the discretion of the Secretary of War, to use electricity furnished by the electric lighting and power plant of Fort Yellowstone and Mammoth Hot Springs at actual cost to the Government for operation, maintenance, and depreciation of the plant and ten per centum additional, under such regulations as may be prescribed by the Secretary of War.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1130.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

Leases of lands in the park to private parties are authorized by Act Aug. 3, 1894, c. 198, Comp. St. 1901, p. 1565.

**ACT APRIL 20, 1904, c. 1400. [H. R. 13350.]**

An Act Conferring Jurisdiction upon United States Commissioners over Offenses Committed in a Portion of the Permanent Hot Springs Mountain Reservation, Arkansas. (33 Stat. 187.)

**Hot Springs Reservation; cession of jurisdiction by State of Arkansas accepted; operation of laws of United States and of Arkansas within reservation.**

Be it enacted, &c., That the portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, "commencing at stone monument numbered seven, set upon the west line of Reserve avenue and marking the boundary line of Hot Springs Mountain, and running thence in a north-westerly direction to a point upon the south line of Fountain street to a stone monument numbered forty-two and marking the boundary line of Hot Springs Mountain; thence along the south line of Fountain street to its intersection with Central avenue or to stone monument numbered thirty-three; thence south along the east line of Central avenue to where the same is intersected by Reserve avenue at stone monument numbered thirty; thence along the north boundary line of Reserve avenue to stone monument numbered seven, the point of commencement; all in township two south, range nineteen west, in the county of Garland and State of Arkansas, being a part of the permanent United States Hot Springs Reservation," sole and exclusive jurisdiction over which was ceded to the United States by an act of the general assembly of the State of Arkansas, entitled "An act ceding

jurisdiction to the United States over a part of the Hot Springs Mountain Reservation," approved February twenty-first, nineteen hundred and three, which cession is hereby accepted, or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein: Provided, That nothing in this Act shall be so construed as to forbid the service within said boundaries of any civil or criminal process of any court having jurisdiction in the State of Arkansas; that all fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas: And provided further, That this Act shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, accorded to the State of Arkansas by section five of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to regulate the granting of leases at Hot Springs, Arkansas, and for other purposes."

Act April 20, 1904, c. 1400, § 1, 33 Stat. 187.

Act March 3, 1891, c. 533, § 5, mentioned in this section, which gives consent to taxation, under the laws of the State, of private property within the reservation, is set forth above.

**Reservation included in eastern judicial district of Arkansas; jurisdiction of offenses committed therein.**

Sec. 2. That said above-described portion of said reservation shall constitute a part of the eastern United States judicial district of Arkansas, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

Act April 20, 1904, c. 1400, § 2, 33 Stat. 187.

**Injuries to property punishable.**

Sec. 3. That any person who shall, within the said above-mentioned tract, commit any damage, injury, or spoliation to or upon any building fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars and be adjudged to pay all costs of the proceedings.

Act April 20, 1904, c. 1400, § 3, 33 Stat. 187.

**Taking or use of or bathing in water of springs in violation of rules and regulations or of restrictions imposed punishable.**

Sec. 4. That any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, and which he is hereby authorized and directed to make, enter or attempt to enter upon said described tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any

spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient of a physician duly registered at the office of the superintendent of the Hot Springs Reservation as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars, and be adjudged to pay all costs of the proceedings: Provided, That no physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered: And provided further, That if any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such person shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered.

Act April 20, 1904, c. 1400, § 4, 33 Stat. 188.

**Offenses under ordinances of city of Hot Springs or laws of State of Arkansas punishable.**

Sec. 5. That if any act shall be committed within said boundaries which would constitute an offense under the municipal ordinances of the city of Hot Springs or the laws of the State of Arkansas, but which is not prohibited or the punishment of which is not specially provided for by any law of the United States, regulation of the Secretary of the Interior, or by this Act, the offender shall be subject to the same punishment as the said municipal ordinances of the city of Hot Springs, or the laws of the State of Arkansas in force at the time of the commission of the offense, may provide for a like offense in the said State, and no subsequent repeal of any such law or ordinance shall affect any pending prosecution for an offense committed within said boundaries.

Act April 20, 1904, c. 1400, § 5, 33 Stat. 188.

**Prosecutions for violations of rules and regulations or of provisions of act.**

Sec. 6. That such commissioner shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the doing, otherwise than in compliance with the rules and regulations of the Secretary of the Interior, of any act with reference to the matters which the Secretary of the Interior in section four of this Act is authorized to regulate, or in violation of such rules and regulations, or in violation of any provision of this Act, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of one hundred dollars to try the person thus charged, and if found guilty, to impose the penalty prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the eastern district of Arkansas. The said United States district court

shall prescribe rules of procedure and practice for said commissioner in the trial of cases and with reference to said appeals.

Act April 20, 1904, c. 1400, § 6, 33 Stat. 188.

The mention of "such commissioner" and "said commissioner" in this and subsequent sections of this act appears to indicate that the appointment of a United States commissioner for the reservation was intended, but no express provision therefor is made by the act.

**Prosecutions for other offenses.**

Sec. 7. That said commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section six of this Act, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court for the eastern district of Arkansas, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: Provided, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of the State of Arkansas or the ordinances of the city of Hot Springs.

Act April 20, 1904, c. 1400, § 7, 33 Stat. 188.

**Process to be directed to United States marshal; arrests by other officers or persons.**

Sec. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the eastern district of Arkansas, but nothing herein contained shall be so construed as to prevent the arrest by any officer of the Government, police of said reservation, police officer of the city of Hot Springs, or employee of the United States within said boundaries, without process, of any person taken in the act of violating the law or this Act, or doing anything with reference to the matters which in section four of this Act the Secretary of the Interior is authorized to regulate, except in compliance with such rules and regulations, or committing any act in violation of such regulations.

Act April 20, 1904, c. 1400, § 8, 33 Stat. 189.

**Fees of commissioner and of marshal and deputies.**

Sec. 9. That the commissioner referred to in this Act and the marshal of the United States and his deputies in the eastern district of Arkansas shall be paid the same fees and compensation as are now provided by law for like services in said district.

Act April 20, 1904, c. 1400, § 9, 33 Stat. 189.

**Fees chargeable to United States.**

Sec. 10. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

Act April 20, 1904, c. 1400, § 10, 33 Stat. 189.



**Disposition of fines and costs.**

Sec. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the judicial district in which said reservation may be situated.

Act April 20, 1904, c. 1400, § 11, 33 Stat. 189.

**Imprisonment for nonpayment of fines or costs, or while awaiting trial without bail.**

Sec. 12. That all persons who may be imprisoned for nonpayment of any fine, or costs, provided for by this Act, or awaiting trial without bail, shall be confined in the jail of Pulaski County, at Little Rock, Arkansas, or at such place as may be otherwise designated.

Act April 20, 1904, c. 1400, § 12, 33 Stat. 189.

**Execution of sentence upon conviction.**

Sec. 13. That upon the conviction of a party upon trial by said commissioner, or by said district court, execution of sentence shall be in conformity with the laws of the United States, anything in the statutes of the State of Arkansas to the contrary notwithstanding.

Act April 20, 1904, c. 1400, § 13, 33 Stat. 189.

**RES. MARCH 3, 1905, No. 30. [S. J. R. 115.]**

Joint Resolution Accepting the Recession by the State of California of the Yosemite Valley Grant and the Mariposa Big Tree Grove in the Yosemite National Park. (33 Stat. 1286.)

**Yosemite National Park; management, protection, and improvement.**

Resolved, &c., That there is hereby appropriated from any moneys in the Treasury, not otherwise appropriated, for the management, protection, and improvement of the Yosemite National Park, to be expended under the supervision of the Secretary of the Interior, the sum of twenty thousand dollars.

Res. March 3, 1905, No. 30, 33 Stat. 1286.

**[NAVIGABLE RIVERS, HIGHWAYS, AND RIGHTS OF WAY.]****Sec. 2477.****ACT MARCH 3, 1875, c. 152, § 1.****Right of way through public lands, materials, grounds for stations, etc., granted to railroads.**

Rights of way for railway, telegraph, and telephone lines in the Indian Territory, and in Indian reservations, etc., in Oklahoma, are granted to railway companies, by Act Feb. 28, 1902, c. 134, §§ 13-23, set forth below.

Grants of rights of way for pipe lines for conveyance of oil and gas through Indian reservations and other Indian lands are authorized by Act March 11, 1904, c. 505, set forth below.

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**ACT MARCH 3, 1891, c. 561, § 18.****Right of way to canal and ditch companies for irrigation purposes.**

Rights of way within and across forest reserves, for construction and maintenance of dams, reservoirs, water plants, ditches, etc., for municipal and mining purposes, and for milling and reduction of ores, are granted by Act Feb. 1, 1905, c. 281, § 4, set forth below.

**ACT JAN. 21, 1895, c. 37, § 1. [As amended 1896, 1898.]****Right of way for tramroads, canals, or reservoirs for certain purposes.**

Rights of way within and across forest reserves, for construction and maintenance of dams, reservoirs, water plants, ditches, etc., for municipal and mining purposes, and for milling and reduction of ores, are granted by Act Feb. 1, 1905, c. 281, § 4, set forth below.

**ACT MAY 21, 1896, c. 212, § 1.****Right of way in Colorado and Wyoming to pipe-line companies.**

Grants of rights of way for pipe lines for conveyance of oil and gas through Indian reservations and other Indian lands are authorized by Act March 11, 1904, c. 505, set forth below.

**ACT MAY 14, 1898, c. 299, § 4.****Right of way on lands in Alaska for railroads; condemnation of land; preliminary surveys.**

The time of the Western Alaska Construction Company to comply with the provisions of Act May 14, 1898, c. 299, §§ 4, 5, set forth in Comp. St. 1901, pp. 1577, 1578, relating to rights of way over public lands in Alaska for railroads, in acquiring and completing its railroad, is extended by Act April 9, 1904, c. 1165, 33 Stat. 165.

**ACT MARCH 2, 1899, c. 374.**

This act, so far as it applies to the Indian Territory and Oklahoma Territory, is repealed by Act Feb. 28, 1902, c. 134, § 23, set forth below, with a proviso that such repeal shall not affect any railroad company whose railroad was actually being constructed, or any rights already accrued.

Grants of rights of way for pipe lines for conveyance of oil and gas through Indian reservations and other Indian lands are authorized by Act March 11, 1904, c. 505, set forth below.

**ACT FEB. 15, 1901, c. 372.****Rights of way through public lands, forest and other reservations, etc., for electrical plants, etc.**

Further provisions granting rights of way within and across forest reserves, for the construction and maintenance of dams, reservoirs, water plants, ditches, etc., for purposes similar to those specified in Act Feb. 15, 1901, c. 372, set forth in Comp. St. 1901, p. 1584, are contained in Act Feb. 1, 1905, c. 281, § 4, set forth below.

**ACT FEB. 28, 1902, c. 134.**

An Act to Grant the Right of Way through the Oklahoma Terri-

tory and the Indian Territory to the Enid and Anadarko Railway Company, and for Other Purposes. (32 Stat. 43.)

**Secs. 1-12.** [Relate to grant of right of way for railroad and telegraph and telephone line.]

These sections contain a grant to the Enid and Anadarko Railway Company of the right of way for a railway and telegraph and telephone line through the Territory of Oklahoma and the Indian Territory, with provisions for the construction and regulation thereof. They are omitted as special and local merely. The remaining sections of the act, being of general application, are set forth below.

**Right of way for railway and telegraph and telephone lines in Indian Territory.**

**Sec. 13.** That the right to locate, construct, own, equip, operate, use, and maintain a railway and telegraph and telephone line or lines into, in, or through the Indian Territory, together with the right to take and condemn lands for right of way, depot grounds, terminals, and other railway purposes, in or through any lands held by any Indian tribe or nation, person, individual, or municipality in said Territory, or in or through any lands in said Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any railway company organized under the laws of the United States, or of any State or Territory, which shall comply with this Act.

Act Feb. 28, 1902, c. 134, § 13, 32 Stat. 47.

The provisions of this act apply also to Indian reservations and allotted Indian lands in the Territory of Oklahoma, by a proviso annexed to section 23 of the act, set forth below.

**Width of right of way; grounds for stations, etc., yards, etc.; water supply; changes.**

**Sec. 14.** That the right of way of any railway company shall not exceed one hundred feet in width except where there are heavy cuts and fills, when one hundred feet additional may be taken on each side of said right of way; but lands additional and adjacent to said right of way may be taken and condemned by any railway company for station grounds, buildings, depots, side tracks, turnouts, or other railroad purposes not exceeding two hundred feet in width by a length of two thousand feet. That additional lands not exceeding forty acres at any one place may be taken by any railway company when necessary for yards, roundhouses, turntables, machine shops, water stations, and other railroad purposes. And when necessary for a good and sufficient water supply in the operation of any railroad, any such railway company shall have the right to take and condemn additional lands for reservoirs for water stations, and for such purpose shall have the right to impound surface water or build dams across any creek, draw, canyon, or stream, and shall have the right to connect the same by pipe line with the railroad and take the necessary grounds for such purposes; and any railway company shall have the right to change or straighten its line, reduce its grades or curves, and locate

new stations and to take the lands and right of way necessary therefor under the provisions of this Act.

Act Feb. 28, 1902, c. 134, § 14, 32 Stat. 47.

**Compensation for right of way and damages; maps to be filed; appraisalment of compensation, etc., award, appeal, fees, and costs.**

Sec. 15. That before any railroad shall be constructed or any lands taken or condemned for any of the purposes set forth in the preceding section, full compensation for such right of way and all land taken and all damage done or to be done by the construction of the railroad, or the taking of any lands for railroad purposes, shall be made to the individual owner, occupant, or allottee of such lands, and to the tribe or nation through or in which the same is situated: Provided, That correct maps of the said line of railroad in sections of twenty-five miles each, and of any lands taken under this Act, shall be filed in the Department of the Interior, and shall also be filed with the United States Indian agent for Indian Territory, and with the principal chief or governor of any tribe or nation through which the lines of railroad may be located or in which said lines are situated.

In case of the failure of any railway company to make amicable settlement with any individual owner, occupant, allottee, tribe, or nation for any right of way or lands or improvements sought to be appropriated or condemned under this Act, all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, or nation by reason of the appropriation and condemnation of said right of way, lands, or improvements shall be determined by the appraisalment of three disinterested referees, to be appointed by the judge of the United States court, or other court of jurisdiction in the district where such lands are situated, on application of the corporation or other person or party in interest. Such referees, before entering upon the duties of their appointment, shall each take and subscribe, before competent authority, an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed. The referees shall also find in their report the names of the person and persons, tribe, or nation to whom the damages are payable and the interest of each person, tribe, or nation in the award of damages. Before such referees shall proceed with the assessment of damages for any right of way or other lands condemned under this Act, twenty days' notice of the time when the same shall be condemned shall be given to all persons interested, by publication in some newspaper in general circulation nearest said property in the district where said right of way or said lands are situated, or by ten days' personal notice to each person owning or having any interest in said lands or right of way: Provided, That such notice to any tribe or nation may be served on the principal chief or governor of the tribe. If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the making of the award, to appeal, by original petition, to the United States court, or other court of competent jurisdiction, sitting at the

place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the lands in controversy shall be tried de novo, and the judgment rendered by the court shall be final and conclusive, subject, however, to appeal as in other cases.

When the award of damages is filed with the clerk of the court by the referees, the railway company shall deposit the amount of such award with the clerk of the court, to abide the judgment thereof, and shall then have the right to enter upon and take possession of the property sought to be condemned: Provided, That when the said railway company is not satisfied with the award, it shall have the right, before commencing construction, to abandon any portion of said right of way and adopt a new location, subject, however, as to such new location, to all the provisions of this Act. Each of the referees shall receive for his compensation the sum of four dollars per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this Act. Witnesses shall receive the fees and mileage allowed by law to witness in courts of record within the districts where such lands are located. Costs, including compensation of the referees, shall be made part of the award or judgment and be paid by the railway company: Provided, That if any party or person other than the railway company shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person.

Act Feb. 28, 1902, c. 134, § 15, 32 Stat. 47.

**Annual charge payable to tribe or nation owning or occupying lands; regulation of freight and other charges for transportation.**

Sec. 16. That where a railroad is constructed under the provisions of this Act there shall be paid by the railway company to the Secretary of the Interior, for the benefit of the particular tribe or nation through whose lands any such railroad may be constructed, an annual charge of fifteen dollars per mile for each mile of road constructed, the same to be paid so long as said lands shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise provided herein; and the grants herein are made upon the condition that Congress hereby reserves the right to regulate the charges for freight and passengers on said railways and messages on all telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which any railway shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by such railways; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railways whenever such transportation shall extend from one State into another, or shall extend into more than one State; and that the railway companies shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Act Feb. 28, 1902, c. 134, § 16, 32 Stat. 48.

**Crossings and connections; proceedings to acquire right, determination, and appeal; penalty for violation of provisions of section.**

Sec. 17. That any railway company authorized to construct, own or operate a railroad in said Territory desiring to cross or unite its tracks with any other railroad upon the grounds of such other railway company shall, after fifteen days' notice in writing to such other railroad company, make application in writing to the judge of the United States court for the district in which it is proposed to make such crossing or connection for the appointment of three disinterested referees to determine the necessity, place, manner, and time of such crossing or connection. The provisions of section three of this Act with respect to the condemnation of right of way through tribal or individual lands shall, except as in this section otherwise provided, apply to proceedings to acquire the right to cross or connect with another railroad. Upon the hearing of any such application to cross or connect with any other railroad, either party or the referees may call and examine witnesses in regard to the matter, and said referees shall have the same power to administer oaths to witnesses that is now possessed by United States commissioners in said Territory, and said referees shall, after such hearing and a personal examination of the locality where a crossing or connection is desired, determine whether there is a necessity for such crossing or not, and if so, the place thereof, whether it shall be over or under the existing railroad or at grade, and in other respects the manner of such crossing and the terms upon which the same shall be made and maintained: Provided, That no crossing shall be made through the yards or over the switches or side tracks of any existing railroad if a crossing can be effected at any other place that is practicable. If either party shall be dissatisfied with the terms of the order made by said referees it may appeal to the United States court of the Indian Territory for the district wherein such crossing or connection is sought to be made in the same manner as appeals are allowed from a judgment of a United States commissioner to said court, and said appeal and all subsequent proceedings shall only affect the amount of compensation, if any, and other terms of crossing fixed by said referees, but shall not delay the making of said crossing or connection: Provided, That the corporation desiring such crossing or connection shall deposit with the clerk of the court the amount of compensation, if any is fixed by said referees, and shall execute and file with said clerk a bond or sufficient security, to be approved by the court or a judge thereof in vacation, to pay all damages and comply with all terms that may be adjudged by the court. Any railway company which shall violate or evade any of the provisions of this section shall forfeit for every such offense, to the person, company, or corporation injured thereby, three times the actual damages sustained by the party aggrieved.

Act Feb. 28, 1902, c. 134, § 17, 32 Stat. 49.

The provisions of section 3 of this act, mentioned in this section, relating to the condemnation of the right of way of the Enid and Anadarko Railway Company through lands held by individuals according to the laws, etc., of any Indian nation or tribe, and differ from the provisions of section 15 of this act, set forth above. Section 3 is as follows:

"That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of

any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the Secretary of the Interior, one by the chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the Secretary of the Interior, the vacancy shall be filled by a judge of the United States court for the Indian Territory upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States court for the Indian Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the Territory in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway."

**Interlocking or automatic signals at crossings.**

Sec. 18. That when in any case two or more railroads crossing each other at a common grade shall, by a system of interlocking or automatic signals, or by any works or fixtures to be erected by them, render it safe for engines and trains to pass over such crossing without stopping, and such interlocking or automatic signals or works or fixtures shall be approved by the Interstate Commerce Commissioners, then, in that case, it is hereby made lawful for the engines and trains of such railroad or railroads to pass over such crossing without stopping, any law or the provisions of any law to the contrary notwithstanding; and when two or more railroads cross each other at a common grade, either of such roads may apply to the Interstate Commerce Commissioners for permission to introduce upon both of said railroads some system of interlocking or automatic sig-

nals or works or fixtures rendering it safe for engines and trains to pass over such crossings without stopping, and it shall be the duty of said Interstate Commerce Commissioners, if the system of works and fixtures which it is proposed to erect by said company are, in the opinion of the Commission, sufficient and proper, to grant such permission.

Act Feb. 28, 1902, c. 134, § 18, 32 Stat. 49.

**Notice of erection of interlocking or automatic signals; division of cost.**

Sec. 19. That any railroad company which has obtained permission to introduce a system of interlocking or automatic signals at its crossing at a common grade with any other railroad, as provided in the last section, may, after thirty days' notice, in writing, to such other railroad company, introduce and erect such interlocking or automatic signals or fixtures; and if such railroad company, after such notification, refuses to join with the railroad company giving such notice in the construction of such works or fixtures, it shall be lawful for said company to enter upon the right of way and tracks of such second company, in such manner as to not unnecessarily impede the operation of such road, and erect such works and fixtures, and may recover in any action at law from such second company one-half of the total cost of erecting and maintaining such interlocking or automatic signals or works or fixtures on both of said roads.

Act Feb. 28, 1902, c. 134, § 19, 32 Stat. 50.

**Record of mortgages of railway.**

Sec. 20. That all mortgages executed by any railway company conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights, franchises, and property of said company as therein expressed.

Act Feb. 28, 1902, c. 134, § 20, 32 Stat. 50.

**Reservation of right to alter, amend, or repeal act.**

Sec. 21. That Congress hereby reserves the right at any time to alter, amend, or repeal this Act, or any portion thereof.

Act Feb. 28, 1902, c. 134, § 21, 32 Stat. 50.

**Railway companies having rights of way under other acts may obtain benefits of act; extension of time limited for completion of such railroads.**

Sec. 22. That any railway company which has heretofore acquired, or may hereafter acquire, under any other Act of Congress, a railroad right of way in Indian Territory may, in the manner herein prescribed, obtain any or all of the benefits and advantages of this Act, and in such event shall become subject to all the requirements and responsibilities imposed by this Act upon railroad companies acquiring a right of way hereunder. And where the time for the completion of a railroad in Indian Territory under any Act granting a right of way therefor has expired, or shall hereafter expire, in advance of the construction of such railroad, or of any part thereof, the Secretary of the Interior may, upon good cause shown, extend the time for the



completion of such railroad, or of any part thereof, for a time not exceeding two years from the date of such extension.

Act Feb. 28, 1902, c. 134, § 22, 32 Stat. 50.

**Repeal; saving as to railroads actually being constructed and accrued rights; extension of provisions of act to Indian reservations, etc., in Oklahoma.**

Sec. 23. That an Act entitled "An Act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine, so far as it applies to the Indian Territory and Oklahoma Territory, and all other Acts or parts of Acts inconsistent with this Act are hereby repealed: Provided, That such repeal shall not affect any railroad company whose railroad is now actually being constructed, or any rights which have already accrued; but such railroads may be completed and such rights enforced in the manner provided by the laws under which such construction was commenced or under which such rights accrued: And provided further, That the provisions of this Act shall apply also to the Osages' Reservation and other Indian reservations and allotted Indian lands in the Territory of Oklahoma, and all judicial proceedings herein authorized, may be commenced and prosecuted in the courts of said Oklahoma Territory which may now or hereafter exercise jurisdiction within said reservations or allotted lands.

Act Feb. 28, 1902, c. 134, § 23, 32 Stat. 50.

Act March 2, 1899, c. 374, repealed in part by this section, is set forth in Comp. St. 1901, pp. 1581-1584.

**ACT MARCH 11, 1904, c. 505. [S. 3317.]**

An Act Authorizing the Secretary of the Interior to Grant Right of Way for Pipe Lines through Indian Lands. (33 Stat. 65.)

**Right of way through Indian reservations or other Indian lands for pipe lines.**

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and empowered to grant a right of way in the nature of an easement for the construction, operation, and maintenance of pipe lines for the conveyance of oil and gas through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from, and the maps of definite location of said lines approved by, the Secretary of the Interior: Provided, That the construction of lateral lines from the main pipe line establishing connection with oil and gas wells on the individual allotments of citizens may be constructed without securing authority from the Secretary of the Interior and without filing maps of definite

location, when the consent of the allottee upon whose lands oil or gas wells may be located and of all other allottees through whose lands said lateral pipe lines may pass has been obtained by the pipe line company: Provided further, That in case it is desired to run a pipe line under the line of any railroad, and satisfactory arrangements can not be made with the railroad company, then the question shall be referred to the Secretary of the Interior, who shall prescribe the terms and conditions under which the pipe line company shall be permitted to lay its lines under said railroad. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval. And where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority. And incorporated cities and towns into and through which such pipe lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities, and nothing herein shall authorize the use of such right of way except for pipe line, and then only so far as may be necessary for its construction, maintenance, and care: Provided, That the rights herein granted shall not extend beyond a period of twenty years: Provided further, That the Secretary of the Interior, at the expiration of said twenty years, may extend the right to maintain a pipe line constructed under this Act for another period not to exceed twenty years from the expiration of the first right, upon such terms and conditions as he may deem proper.

Act March 11, 1904, c. 505, § 1, 33 Stat. 65.

Previous provisions for grants of rights of way for pipe lines through public lands in Colorado and Wyoming are contained in Act May 2, 1896, c. 212, set forth in Comp. St. 1901, p. 1573.

**Right to amend or repeal act.**

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Act March 11, 1904, c. 505, § 2, 33 Stat. 65.

**ACT FEB. 1, 1905, c. 288, § 4.**

**Rights of way within and across forest reserves for dams, reservoirs, water plants, ditches, etc., for municipal and mining purposes and for milling and reduction of ores.**

That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or

mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

Act Feb. 1, 1905, c. 288, § 4, 33 Stat. 628.

This section is part of an act which transfers the execution of the laws relating to forest reserves from the Secretary of the Interior to the Secretary of Agriculture, other sections of which are set forth ante, under this chapter, subchapter "Forest Reserves."

Previous provisions authorizing grants of rights of way through forest and other reservations and certain national parks for various works, including canals, ditches, etc., and water plants, dams, and reservoirs, etc., are contained in Act Feb. 15, 1901, c. 372, set forth in Comp. St. 1901, p. 1584.

[GRANTS FOR RAILROADS AND WAGON ROADS.]

**ACT JUNE 22, 1874, c. 400.**

**Selection by railroads of lands in lieu of lands entered by settlers subsequent to accrual of rights of railroads; title of settlers.**

The provisions of this act and all acts amendatory thereof and supplementary thereto apply to grants in aid of the construction of wagon roads, by Act July 1, 1902, c. 1386, set forth below.

Any homestead settler whose entry within the limits of the grant to the State of Alabama in aid of the construction of the Mobile & Girard Railroad, by Act June 3, 1850, 11 Stat. 18, has been canceled because of a superior claim to the land through purchase from the railroad company, is accorded the privilege of transferring his claim to other public land subject to homestead entry, or, should he elect to retain the tract embraced in his homestead entry, the holder of the patented title through the railroad grant may relinquish or reconvey the land included in such homestead entry, and thereupon shall be entitled to select and receive patent for an equal quantity of public lands subject to homestead entry, by Act Feb. 24, 1905, c. 779, 33 Stat. 813.

**ACT JULY 1, 1902, c. 1386.**

An Act for the Relief of Settlers on Lands Granted in Aid of the Construction of Wagon Roads. (32 Stat. 733.)

**Provisions for relief of settlers on lands granted in aid of railroads, applicable to grants in aid of wagon roads.**

Be it enacted, &c., That the provision of the Act of June twenty-second, eighteen hundred and seventy-four, entitled "An Act for the relief of settlers on railroad lands," and all Acts amendatory thereof or supplementary thereto, including the Act approved March third, eighteen hundred and eighty-seven, entitled "An Act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," as modified or supplemented by the Act approved March second, eighteen hundred and ninety-six, entitled "An Act to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes," shall apply to grants of land in aid of the construction of wagon roads.

Act July 1, 1902, c. 1386, 32 Stat. 733.

Act July 22, 1874, c. 400, and other acts amendatory thereof or sup-

plementary thereto, including Act March 3, 1887, c. 376, and Act March 2, 1896, c. 39, mentioned in this act, are set forth in Comp. St. 1901, pp. 1593-1604.

[ABANDONED MILITARY AND NAVAL RESERVATIONS.]

**ACT JULY 5, 1884, c. 214, § 1.**

**Disposition of abandoned and useless military reservations.**

The sale of the lands and improvements of the military posts or reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., and the purchase of new sites, are authorized by provisions of Act June 30, 1902, c. 1328, set forth below.

The reappraisal and sale of the undisposed-of lands within the Fort Walla Walla Military Reservation, Washington, are provided for by Act April 22, 1904, c. 1415, set forth below.

The disposal of unsold lots in the Fort Crawford military tract at Prairie du Chien, Wisconsin, is provided for by Act April 25, 1904, c. 1600, set forth below.

An appropriation for expenses of survey, appraisal, and sale of abandoned military reservations, transferred to the control of the Secretary of the Interior under the provisions of Act July 5, 1884, c. 214, set forth in Comp. St. 1901, p. 1607, and any law prior thereto, is made by each of the recent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1186.

**ACT AUG. 23, 1894, c. 314.**

[Amended. Act April 23, 1904, c. 1496.]

This act, set forth in Comp. St. 1901, p. 1611, is amended by the addition thereto of a third section by Act April 23, 1904, c. 1496, set forth below.

**ACT MARCH 3, 1901, c. 833.**

**Purchase by homesteaders on abandoned Fort Fetterman military reservation of pasture and grazing lands.**

Provisions similar to those of this act, relating to other abandoned military reservations, are contained in Act May 31, 1902, c. 945, set forth below.

**ACT MAY 31, 1902, c. 945.**

An Act Granting Homesteaders on the Abandoned Fort Bridger, Fort Sanders, and Fort Laramie Military Reservations, and Fort Laramie Wood Reservation, in Wyoming, the Right to Purchase One Quarter Section of Public Land on Said Reservations as Pasture or Grazing Land, and for Other Purposes. (32 Stat. 283.)

**Purchase by homesteaders on certain abandoned military reservations of pasture and grazing lands.**

Be it enacted, &c., That each person who has or may hereafter exercise the right of homestead entry on the abandoned Fort Bridger Reservation, or on the Fort Sanders, or the Fort Laramie abandoned military reservations, or the abandoned Fort Laramie Wood Reservation, to which the homestead laws are hereby extended, in the State of Wyoming, and is residing on said reservations under the provisions

and requirements of the homestead law, or who is a resident and the owner in fee of one hundred and sixty acres thereon by purchase, shall, upon proper proof of settlement, homestead, or other legal title upon said reservations, be entitled to the right to purchase, under such rules and regulations as the Secretary of the Interior may prescribe, at one dollar and twenty-five cents per acre, not exceeding one quarter section of the public lands on said reservations as pasture or grazing land not otherwise disposed of: Provided, That land so purchased be unfitted for cultivation and homestead entry by reason of lack of water for irrigating purposes or otherwise: And provided further, That said purchase of pasture or grazing land shall not, with the land heretofore entered by the applicant, exceed in the aggregate three hundred and twenty acres.

Act May 31, 1902, c. 945, 32 Stat. 283.

Similar provisions relating to Fort Fetterman Reservation are contained in Act March 3, 1901, c. 833, Comp. St. 1901, p. 1614.

**ACT JUNE 30, 1902, c. 1328.**

**Sale of lands and improvements at military posts or reservations at Indianapolis, Columbus, and Buffalo, and purchase of new sites.**

\* \* And whenever in the opinion of the President the lands and improvements, or any portion of them, of the military posts or reservations at Indianapolis, Indiana, Columbus, Ohio, and Buffalo, New York, have become undesirable for military purposes he may, in his discretion, cause the same to be appraised and sold at public sale at not less than the appraised value, either as a whole or in subdivisions, under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury. And a sum of money not exceeding the proceeds of such sale or sales at each of such places respectively is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such land at or in the vicinity of Indianapolis, Indiana, Columbus, Ohio, and Buffalo, New York, respectively, as may be required for military purposes, and for building barracks or quarters on such lands to be devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases of lands for the establishment of military posts at or in the vicinity of such places, respectively: Provided, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: \* \*

Act June 30, 1902, c. 1328, 32 Stat. 515.

These are provisions following an appropriation for barracks and quarters, etc., in the Army appropriation act for the fiscal year ending June 30, 1903, cited above.

**ACT FEB. 11, 1903, c. 543.**

An Act Adjusting Certain Conflicts Respecting State School Indemnity Selections in Lieu of School Sections in Abandoned Military Reservations. (32 Stat. 822.)

**Selections by states in lieu of school sections in abandoned military reservations, confirmed; disposal of such school sections.**

Be it enacted, &c., That all State school indemnity selections in lieu

of what are known as school sections in abandoned military reservations made pursuant to the decision of the Secretary of the Interior dated January twenty-eighth, eighteen hundred and ninety-eight and before notice of the withdrawal of that decision was received at the local land office at which the selections were made, and which are otherwise regular and free from any prior lawful claim, shall be confirmed by the Secretary of the Interior; and the lands in such school sections in lieu of which such confirmed selections were made shall be disposed of under the laws applicable to other lands in such abandoned military reservations, a preference right being accorded to those who have made and maintained a bona fide settlement or entry pursuant to said decision of the Secretary of the Interior.

Act Feb. 11, 1903, c. 543, 32 Stat. 822.

General provisions for selections by States in lieu of school lands, to supply deficiencies thereof, are contained in Rev. St. §§ 2275, 2276 Comp. St. 1901, pp. 1381-1383.

**ACT APRIL 22, 1904, c. 1415. [H. R. 12685.]**

An Act For the Reappraisal and Sale of the Undisposed Lands within the Fort Walla Walla Military Reservation, in the State of Washington. (33 Stat. 243.)

**Fort Walla Walla Military Reservation; reappraisal of lands undisposed of.**

Be it enacted, &c., That the lands originally embraced within the Fort Walla Walla Military Reservation, in the State of Washington remaining undisposed of shall be reappraised, under the direction of the Secretary of the Interior, by legal subdivisions, and the appraisers, in their report, shall note the character of each legal subdivision and state whether it is chiefly valuable for stone, mineral, timber, agricultural, or grazing purposes, and if any of the legal subdivisions of said land is improved the appraiser shall appraise separately the improvements on said land and the land independently of such improvements, and they shall describe generally the character of such improvements, and also report the names of the persons who made such improvements and the parties claiming to own the same.

Act April 22, 1904, c. 1415, § 1, 33 Stat. 243.

**Sale of land; deduction or payment for improvements.**

Sec. 2. That upon the approval of such reappraisal by the Secretary of the Interior said lands shall be offered for sale to the highest bidder, for cash, at such times and under such regulations as the Secretary of the Interior may determine: Provided, That the land and improvements shall not be sold at less than the appraised value: Provided further, That if the highest bidder shall be the person who made the improvements upon such land, or his assigns, the appraised value of the improvements shall be deducted from his bid, and he shall be required to pay only the remainder to the United States, and if the highest bidder is some one other than the party who made such improvements, or his assigns, then the appraised value of the improvements shall be paid to such party, or his assigns, and the remainder to the United States, and the Secretary of the Interior must be satisfied that

the improvements shall have been paid for, as herein provided, before patent is issued to the purchaser of any of said lands: Provided also, That this Act shall not affect the lands in the existing Fort Walla Walla Military Reservation, area six hundred and nineteen acres and fifty-seven one-hundredths of an acre.

Act April 22, 1904, c. 1415, § 2, 33 Stat. 243.

**ACT APRIL 23, 1904, c. 1496. [H. R. 12687.]**

An Act to Amend an Act Entitled "An Act to Provide for the Opening of Certain Abandoned Military Reservations, and for Other Purposes," Approved August Twenty-third, Eighteen hundred and ninety-four. (33 Stat. 306.)

**Amendment of Act Aug. 23, 1894, c. 314.**

Be it enacted, &c., That an Act entitled "An Act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August twenty-third, eighteen hundred and ninety-four, be, and the same is hereby, amended by adding thereto section three, which said section shall read as follows:

**Fort Abraham Lincoln Military Reservation; homestead entries.**

"Sec. 3. That all persons now having, or who may hereafter file, homestead applications upon any of the lands situate within the abandoned Fort Abraham Lincoln Military Reservation, in Morton County, State of North Dakota, shall be entitled to a patent to the land filed upon by such person upon compliance with the provisions of the homestead law of the United States and proper proof thereof, and shall not be required to pay the appraised values of such lands in addition to such compliance with the said homestead law."

Act April 20, 1904, c. 1496, 33 Stat. 306.

Act Aug. 23, 1894, c. 314, amended by this act by adding thereto section 3, set forth here, is set forth in Comp. St. 1901, p. 1611.

**ACT APRIL 25, 1904, c. 1600. [H. R. 14621.]**

An Act for the Disposal of the Unsold Lots in the Fort Crawford Military Tract at Prairie du Chien, Crawford County, Wisconsin. (33 Stat. 306.)

**Fort Crawford military tract; disposal of lots to occupants and settlers, and sale of lots not so disposed of.**

Be it enacted, &c., That all lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wisconsin, not heretofore sold under the Act entitled "An Act to provide for the disposal of certain lands therein named," approved March third, eighteen hundred and sixty-three, shall be disposed of and patented to the occupants and settlers thereon under bona fide title thereto who shall apply therefor within one year from the passage of this Act and furnish proof of such occupation and settlement under claim of title and pay therefor the appraised value heretofore placed thereon, together with interest on said appraised value at the rate of five per centum per annum from the date of said appraisalment. All lots in said tract not so disposed of at the expiration of one year from the passage of this

Act shall be subject to sale at private entry at not less than the said appraised price, with interest thereon at the rate of five per centum per annum from the date of said appraisalment.

Act April 25, 1904, c. 1600, 33 Stat. 306.

[CEDED INDIAN RESERVATIONS AND LANDS.]

**ACT MAY 2, 1890, c. 182, § 18.**

**Homestead entries on Indian lands in Oklahoma subsequently opened to settlement; payments; soldiers' and sailors' homesteads; reservation of school and missionary lands.**

The provision of section 22 of this act, set forth in Comp. St. 1901, p. 1462, for commutation for town-site purposes of homestead entries in Oklahoma, is made applicable to lands in Oklahoma ceded by certain Indian bands and tribes, by Act March 11, 1902, c. 180, set forth below.

**ACT MAY 17, 1900, c. 479, § 1.**

**Free homesteads to settlers on Indian lands acquired and opened to settlement; commutation rights; payments to Indians.**

Homestead settlers who, prior to the passage of this act, had acquired title to the land by final entry by payment of the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the act had final entry not been made prior to its passage, are authorized to make another homestead entry, by Act May 22, 1902, c. 821, § 2, set forth below.

**ACT JAN. 26, 1901, c. 180.**

**Commutation by settlers under free homestead law.**

Homestead settlers on certain ceded Indian lands in South Dakota are entitled to the provisions of this act, by Act May 22, 1902, c. 821, § 1, set forth below.

**ACT MARCH 11, 1902, c. 180.**

An Act Providing for the Commutation for Town-Site Purposes of Homestead Entries in Certain Portions of Oklahoma. (32 Stat. 63.)

**Commutation for town site purposes of homestead entries on ceded Indian lands in Oklahoma.**

Be it enacted, &c., That that portion of section twenty-two of the Act approved May second, eighteen hundred and ninety, entitled "An Act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," providing for the commutation for town-site purposes of homestead entries in certain instances, be, and the same is hereby, made applicable to the lands in the Territory of Oklahoma ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians, under agreements, respectively, ratified by the Acts of Congress of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred.

Act March 11, 1902, c. 180, 32 Stat. 63.

Act May 2, 1890, c. 182, § 22, mentioned in this act, is set forth in Comp. St. 1901, p. 1462.



**ACT MAY 22, 1902, c. 821.**

An Act to Allow the Commutation of and Second Homestead Entries in Certain Cases. (32 Stat. 203.)

**Commutation by settlers under free homestead law on certain ceded Indian lands in South Dakota.**

Be it enacted, &c., That homestead settlers upon the ceded portion of the Sioux Indian Reservation in South Dakota who made entry subsequent to March third, eighteen hundred and ninety-nine, shall be entitled to the provisions of the Act entitled "An Act to allow commutation of homestead entries in certain cases," approved January twenty-sixth, nineteen hundred and one, and in commuting shall only be required to pay the price provided in the law under which original entry was made.

Act May 22, 1902, c. 821, § 1, 32 Stat. 203.

Act Jan. 26, 1901, c. 180, mentioned in this section, is set forth in Comp. St. 1901, p. 1620.

**Second homestead entry by settlers on ceded Indian lands having made final entry by payment of price before passage of free homestead law.**

Sec. 2. That any person who, prior to the passage of an Act entitled "An Act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved May seventeenth, nineteen hundred, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the Act before cited had final entry not been made prior to the passage of said Act, may make another homestead entry of not exceeding one hundred and sixty acres of any of the public lands in any State or Territory subject to homestead entry: Provided, That any person desiring to make another entry under this Act will be required to make affidavit, to be transmitted with the other filing papers now required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily identifying it on the official records: And provided further, That said person has all the other proper qualifications of a homestead entryman: And provided also, That commutation under section twenty-three hundred and one of the Revised Statutes, or any amendment thereto, or any similar statute, shall not be permitted of an entry made under this Act, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years, or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years.

Act May 22, 1902, c. 821, § 2, 32 Stat. 203.

Act May 17, 1900, c. 479, mentioned in this section, is set forth in Comp. St. 1901, p. 1618.

**ACT FEB. 9, 1903, c. 531.**

An Act to Extend the Provisions of Chapter Eight, Title Thirty-two, of the Revised Statutes of the United States, Entitled "Reservation and Sale of Town Sites on the Public Lands," to the Ceded Indian Lands in the State of Minnesota. (32 Stat. 820.)

**Town-site laws extended to ceded Indian lands in Minnesota.**

Be it enacted, &c., That chapter eight, title thirty-two, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," be, and is hereby, extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. This act shall take effect and be in force from and after its passage.

Act Feb. 9, 1903, c. 531, 32 Stat. 820.

Chapter 8 of this Title of the Revised Statutes, mentioned in this act, set forth in Comp. St. 1901, pp. 1454-1460.

Special provisions for opening to settlement relinquished lands of the Walker River Reservation in Nevada are contained in Act May 10, 1902, c. 888, 32 Stat. 261.

Special provisions extending the homestead laws to lands included within the former Ute Indian Reservation in Colorado are contained in Act June 13, 1902, c. 1080, 32 Stat. 384.

Provisions for opening to homestead entry agricultural lands of the Chippewa Indian Reservation in Minnesota, after the removal of the merchantable pine timber therefrom, are contained in Act June 10, 1902, c. 1157, 32 Stat. 403.

Provisions for patents to settlers under the homestead laws on agricultural public lands in the north one-half of the Colville Indian Reservation in Washington are contained in Act Feb. 7, 1903, c. 514, 32 Stat. 803.

Provisions making all lands of the former Fort Hall Indian Reservation in Idaho, offered for sale in accordance with Act June 6, 1900, c. 831, 31 Stat. 672, and remaining unsold, subject to entry in accordance with the provisions of section 5 of that act, are contained in Act March 3, 1904, c. 854, 33 Stat. 153.

The right is given to the State of South Dakota to select school lands, or other lands granted to the State in the ceded portion of the Great Sioux Reservation in South Dakota, and the general laws for the disposal of the public lands are extended to and made applicable to said ceded portion of that reservation, by Act March 30, 1904, c. 833, 33 Stat. 154.

Provisions for the sale and disposal of surplus or unallotted lands of the Yakima Indian Reservation in Oregon are contained in Act Dec. 21, 1904, c. 22, 33 Stat. 595.

The time within which homestead settlers may establish their residence upon certain lands formerly part of the Rosebud Indian Reservation in South Dakota or of the Devils Lake Indian Reservation in North Dakota, is extended by Act Feb. 7, 1905, c. 545, 33 Stat. 700.

Provisions for appraisement and opening to homestead settlement of the entry of relinquished and undisposed-of portions of Round Valley Indian Reservation in California are contained in Act Feb. 8, 1905, c. 553, 33 Stat. 706.

The time fixed for opening to public entry unallotted lands in the Uintah Reservation in Utah, previously extended by several preceding acts, is further extended by a provision of Act March 3, 1905, c. 143, 33 Stat. 1069.

## TITLE XXXIII.

### DUTIES UPON IMPORTS.

**ACT JULY 24, 1897, c. 11, §§ 1, 2, 4, 11, 22.**

**Schedule of rates of duty; Tariff of 1897.**

Provisions relating to the rates of duty on articles coming into the Philippine Islands from the United States, and on articles coming into the United States from the Philippine Islands, are contained in Act March 8, 1902, c. 140, §§ 1, 2, 5, and a proviso of Act March 3, 1905, c. 1408, § 13, set forth below.

The action of the President as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes was to be levied and collected in the Philippine Islands, with the amendments of said order, are approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands in accordance with said order and amendments are approved, by Act July 1, 1902, c. 1369, § 2, set forth below.

The tariff laws of the Philippine Islands are revised and amended by said Act March 3, 1905, c. 1408, 33 Stat. 928.

All laws affecting imports into the United States apply to articles, etc., coming from the Canal Zone, Isthmus of Panama, by Act March 2, 1905, c. 1311, set forth below.

A rebate of duties imposed on all coal imported, for a period of one year, is made, and the provisions of paragraph 415 of this act are not to be construed to authorize the imposition of any duty upon anthracite coal, by Act Jan. 15, 1903, c. 189, set forth below.

#### FREE LIST.

**Articles exempt from duty.**

Paragraph 473 of the free list, in section 2 of the Tariff Act of 1897, set forth in Comp. St. 1901, p. 1679, is amended by Act March 3, 1903, c. 998, set forth below.

Section 50 of Act June 13, 1898, c. 448, Comp. St. 1901, p. 1703, by which tea, previously comprised in paragraph 679 of the free list, set forth in Comp. St. 1901, p. 1688, was made subject to duty at ten cents per pound, as stated in the note under the free list in Comp. St. 1901, p. 1690, is repealed by Act April 12, 1902, c. 500, § 10, set forth below.

War material, authorized to be purchased by the Board of Ordnance and Fortification, when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, is to be admitted free of duty, by provisions of the recent fortifications appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1402, 33 Stat. 848.

**Reduction of duties, and transfers to free list, through reciprocity treaties.**

A reduction of 20 per cent. of the rates of duty on products of the soil or industry of the Republic of Cuba was provided for, upon the Republic of Cuba making provision to give full effect to the convention

between the United States and that Republic of December 11, 1898, by Act Dec. 17, 1903, c. 1, set forth below.

**Articles simulating domestic trade-marks, etc., not admitted.**

The provisions of section 11 of the Tariff Act of 1897, set forth in Comp. St. 1901, p. 1694, against admission to entry of imported articles simulating domestic trade-marks, etc., are re-enacted with more comprehensive provisions in Act Feb. 20, 1905, c. 592, § 27, set forth below under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2.

**Discriminating duty on goods in foreign vessels.**

The President was authorized to suspend in part the operation of Rev. St. § 2502, by a proviso annexed to Rev. St. § 4228, by amendment of that section by Act July 24, 1897, c. 13, incorporated in that section by Act set forth in Comp. St. 1901, p. 2856. Rev. St. § 2502 having been superseded by subsequent similar sections in successive tariff acts, the law of which is section 22 of the Tariff Act of 1897, set forth in Comp. St. 1901, p. 1698, the provision above mentioned for suspension of the operation of Rev. St. § 2502 may be construed as applicable to said section of the Tariff Act of 1897, enacted on the same day as the provision for suspension, but as a previous chapter. The suspension authorized is partial, so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in said foreign country.

**ACT JUNE 13, 1898, c. 448, § 50.**

[Repealed. Act April 12, 1902, c. 500, § 10.]

This section is repealed by Act April 12, 1902, c. 500, § 10, set forth below.

**ACT MARCH 8, 1902, c. 140.**

An Act Temporarily to Provide Revenue for the Philippine Islands, and for Other Purposes. (32 Stat. 54.)

**Tariff laws enacted by Philippine Commission confirmed.**

Be it enacted, &c., That the provisions of an Act entitled "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the United States Philippine Commission on the seventeenth day of September, nineteen hundred and one, shall be and remain in full force and effect, and there shall be levied, collected, and paid upon all articles coming into the Philippine Archipelago from the United States the rates of duty which are required by the said Act to be levied, collected, and paid upon like articles imported from foreign countries into said archipelago.

Act March 8, 1902, c. 140, § 1, 32 Stat. 54.

The act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, July 1, 1902, c. 1369, contains, in section 2 thereof, set forth below, which approves the action of the President and the actions of the authorities of the government of the Islands as to a tariff of duties and taxes, a proviso that nothing in that section is to be held to amend or repeal this act; and by provisions of section 84 of the same act, set forth below, under Title XXXIV, "Collection of Duties upon Imports," c. 2, nothing in that act is to be held to repeal or alter any part of this act except that section 8 of the act enacted by the Philippine Commission

September 17, 1901, which act is mentioned in and confirmed by this section, is amended so as to authorize the establishment of the equivalent rates of the money in circulation in said Islands with the money of the United States as often as once in ten days; and the last-mentioned section provides also that all laws relating to the collection and protection of customs duties not inconsistent with this act are to apply in the case of vessels and goods arriving from said Islands in the United States and its possessions.

A subsequent general revision of the tariff laws of the Philippine Islands is made by Act March 3, 1905, c. 1408, 33 Stat. 928.

**Duty on articles coming from Philippine Archipelago.**

Sec. 2. That on and after the passage of this Act there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only seventy-five per centum of the rates of duty aforesaid: And provided further, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Archipelago, as provided by the Act of the United States Philippine Commission referred to in section one of this Act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles, the growth and product of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this Act and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Act March 8, 1902, c. 140, § 2, 32 Stat. 54.

See note under preceding section of this act.

The last proviso annexed to this section is repeated, in nearly the same language, as a proviso annexed to the Philippine tariff revision law of 1905, Act March 3, 1905, c. 1408, § 13, set forth below.

**Sec. 3. [Relates to tonnage tax and restrictions on foreign vessels.]**

This section imposes on foreign vessels coming into the United States from the Philippine Archipelago the same tonnage taxes which are levied on vessels coming from foreign countries, and temporarily removes certain restrictions from foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago. The provision as to tonnage tax is re-enacted in the same language, and the removal of restrictions from foreign vessels is continued until July 1, 1906, but only as to foreign vessels engaging in trade between the Philippine Archipelago and the United States, by Act April 15, 1904, c. 1314, § 6, set forth post, under Title L, "Regulation of Vessels in Domestic Commerce."

**Disposition of duties and taxes collected.**

Sec. 4. That the duties and taxes collected in the Philippine Archipelago in pursuance of this Act, and all duties and taxes collected in the United States upon articles coming from the Philippine Archi-

pelago and upon foreign vessels coming therefrom, shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands.

Act March 8, 1902, c. 140, § 4, 32 Stat. 54.

**Duties based on weight of merchandise to be on weight at time of entry.**

Sec. 5. That when duties prescribed by this Act are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Act March 8, 1902, c. 140, § 5, 32 Stat. 54.

Secs. 6, 7. [Relate to shipments to Philippine Islands of articles manufactured in bonded manufacturing warehouses, drawback of taxes or duties, etc.]

Section 6 of this act provides for shipment to the Philippine Islands of articles manufactured in bonded warehouses, free of internal revenue tax, and for drawback, etc., of the internal revenue taxes or duties paid on articles so shipped or on the materials thereof. Section 7 provides for return of duties paid on merchandise in bonded warehouses, etc., on shipment thereof to the Philippine Islands, or for such shipment without payment of duty. Both sections are set forth post, under Title XXXIV, "Collection of Duties upon Imports," c. 7.

Sec. 8. [Relates to application of Act June 10, 1890, c. 407.]

This section makes applicable to articles coming from the Philippine Archipelago the provisions of the act to simplify the laws in relation to the collection of the revenues, Act June 10, 1890, c. 407, Comp. St. 1901, pp. 1886-1898. It is set forth under Title XXXIV, "Collection of Duties upon Imports," c. 4.

Sec. 9. [Relates to evidence necessary to conviction of treason in the Philippine Islands.]

This section forbids conviction of treason in the Philippine Islands, unless on the testimony of two witnesses to the same overt act, or on confession in open court. It is set forth post, under Title LXX, "Crimes," c. 2.

**ACT APRIL 12, 1902, c. 500, § 10.**

**Repeal of Act June 13, 1898, c. 448, § 50; duty on tea.**

That section fifty of the Act of June thirteenth, eighteen hundred and ninety-eight, be repealed, to take effect January first, nineteen hundred and three.

Act April 12, 1902, c. 500, § 10, 32 Stat. 99.

This section is part of an act to repeal war revenue taxes, and for other purposes, cited above, other sections of which are set forth post, under Title XXXV, "Internal Revenue," c. 11 A.

Act June 13, 1898, c. 448, § 50, mentioned in and repealed by this section, is set forth in Comp. St. 1901, p. 1703.

**ACT APRIL 29, 1902, c. 640.**

**An Act to Refund the Amount of Duties Paid in Porto Rico upon**

Articles Imported from the Several States from April Eleventh, Eighteen Hundred and Ninety-Nine, to May First, Nineteen Hundred, to Confer Jurisdiction on the Court of Claims to Render Judgment Thereon, and Making an Appropriation therefor. (32 Stat. 176.)

**Claims for refunding of duties paid in Porto Rico; jurisdiction, proceedings, and judgments of Court of Claims.**

Be it enacted, &c., That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States of all claims against the United States arising out of the payment of customs duties to the military authorities in the island of Porto Rico upon articles imported from the several States, which articles were entered at the several ports of entry in Porto Rico from and including April eleventh, eighteen hundred and ninety-nine, to May first, nineteen hundred, and the Court of Claims is empowered and directed to ascertain the amounts of such duties paid during said period and to enter judgment against the United States for the several amounts so paid, with interest thereon at the rate of six per centum per annum from the several dates of payment of such duties to the dates of such judgments, respectively, in all actions for the recovery of such duties now pending in the Court of Claims and in all actions for the recovery of such duties which may be brought in said court within six months from the date of the passage of this Act.

Act April 29, 1902, c. 640, § 1, 32 Stat. 176.

The time within which actions for recovery of duties paid may be brought under this act is extended by Act March 3, 1903, c. 1447, set forth below.

**Payment on certification of judgments.**

Sec. 2. That the Secretary of the Treasury, upon the certification of such judgments, or any of them, from which the United States does not take an appeal, is authorized to pay the same.

Act April 29, 1902, c. 640, § 2, 32 Stat. 176.

**ACT JULY 1, 1902, c. 1369, § 2.**

**Tariff for Philippine Islands set forth in order of President approved and confirmed, and actions of authorities in accordance therewith approved; previous provisions not affected.**

That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July twelfth, eighteen hundred and ninety-eight, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved. Provided, That nothing contained in this section shall be held to amend or repeal an act entitled "An Act temporarily to provide rev-



enue for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two.

Act July 1, 1902, c. 1369, § 2, 32 Stat. 692.

Act March 8, 1902, c. 140, mentioned in the proviso to this section set forth above. By further provisions of section 84 of this act, set forth above, under Title XXXIV, "Collection of Duties upon Imports," c. 140, nothing in this act is to be held to repeal or alter any part of Act March 8, 1902, c. 140, except as to an amendment by that section of act of the Philippine Commission therein mentioned.

A subsequent general revision of the tariff laws of the Philippine Islands is made by Act March 3, 1905, c. 1408, 33 Stat. 928.

**ACT JAN. 15, 1903, c. 189.**

An Act to Provide Rebate of Duties on Coal, and for Other Purposes. (32 Stat. 773.)

**Rebate of duties on coal for one year.**

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this Act.

Act Jan. 15, 1903, c. 189, § 1, 32 Stat. 773.

The duties on coal are prescribed by paragraph 415 of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 1, Comp. St. 1901, p. 1674.

**Tariff Act of July 24, 1897, c. 11, § 1, par. 415, not to be construed to authorize any duty on anthracite coal.**

Sec. 2. That the provisions of paragraph four hundred and fifty-seven of the tariff Act of July twenty-fourth, eighteen hundred and ninety-seven, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

Act Jan. 15, 1903, c. 189, § 2, 32 Stat. 773.

**ACT MARCH 3, 1903, c. 998.**

An Act Regulating the Importation of Breeding Animals. (Stat. 1023.)

**Amendment of Act July 24, 1897, c. 11, § 1, par. 473; admission, free, of animals for breeding purposes.**

Be it enacted, &c., That paragraph four hundred and seventy-three of the Act approved July twenty-fourth, eighteen hundred and ninety-seven, entitled "An Act to provide revenue for the Government and to encourage the industries of the United States" (Thirtieth United States Statutes at Large, page one hundred and ninety-four), shall be so amended as to read as follows:

"473. Any animal imported by a citizen of the United States specially for breeding purposes shall be admitted free, whether intended to be so used by the importer himself or for sale for such purpose. Provided, That no such animal shall be admitted free unless pure breed of a recognized breed, and duly registered in the books of record established for that breed: And provided further, That certificate of such record and of the pedigree of such animal shall be produced



submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: And provided further, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure-bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury: And provided further, That the provisions of this Act shall apply to all such animals as have been imported and are in quarantine, or otherwise in the custody of custom or other officers of the United States, at the date of the passage of this Act."

Act March 3, 1903, c. 998, 32 Stat. 1023.

Paragraph 473 of the Tariff of 1897, Act July 24, 1897, c. 11, § 1, mentioned in and amended by this act, is set forth in Comp. St. 1901, p. 1679. The amendment consists in the insertion, instead of the words, at the beginning of the paragraph as originally enacted, "Any animal imported specially for breeding purposes shall be admitted free," of the words "Any animal imported by a citizen of the United States specially for breeding purposes shall be admitted free, whether intended to be used by the importer himself or for sale for such purpose," and the addition, at the end of the section, of the last proviso, as set forth here.

**ACT DEC. 17, 1903, c. 1. [H. R. 1921.]**

An Act to Carry into Effect a Convention between the United States and the Republic of Cuba, Signed on the Eleventh Day of December, in the Year Nineteen hundred and two. (33 Stat. 3.)

**Reduction of duties on products of Cuba authorized; limitation of reduction of duties on sugar; construction of act as to origin of acts changing customs duties.**

Be it enacted, &c., That whenever the President of the United States shall receive satisfactory evidence that the Republic of Cuba has made provision to give full effect to the articles of the convention between the United States and the Republic of Cuba, signed on the eleventh day of December, in the year nineteen hundred and two, he is hereby authorized to issue his proclamation declaring that he has received such evidence, and thereupon on the tenth day after exchange of ratifications of such convention between the United States and the Republic of Cuba, and so long as the said convention shall remain in force, all articles of merchandise being the product of the soil or industry of the Republic of Cuba, which are now imported into the United States free of duty, shall continue to be so admitted free of duty, and all other articles of merchandise being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of twenty per centum of the rates of duty thereon, as provided by the tariff Act of the United States, approved July twenty-fourth, eighteen hundred and

ninety-seven, or as may be provided by any tariff law of the United States subsequently enacted. The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of said convention preferential in respect to all like imports from other countries: Provided, That while said convention is in force no sugar imported from the Republic of Cuba, and being the product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty greater than twenty per centum of the rates of duty thereon, as provided by the tariff Act of the United States, approved July twenty-fourth, eighteen hundred and ninety-seven, and no sugar the product of any other foreign country shall be admitted by treaty or convention into the United States while this convention is in force at a lower rate of duty than that provided by the tariff Act of the United States approved July twenty-fourth, eighteen hundred and ninety-seven: And provided further, That nothing herein contained shall be held or construed as an admission on the part of the House of Representatives that customs duties can be changed otherwise than by an Act of Congress, originating in said House.

Act Dec. 17, 1903, c. 1, § 1, 33 Stat. 3.

**No additional fees or charges on products of Cuba to be imposed; equal treatment of imports by both countries; taxes and charges on imports subsequent to importation to be without discrimination.**

Sec. 2. That so long as said convention shall remain in force, the laws and regulations adopted, or that may be adopted by the United States to protect the revenues and prevent fraud in the declaration and proofs, that the articles of merchandise to which said convention may apply are the product or manufacture of the Republic of Cuba, shall not impose any additional charge or fees therefor on the articles imported, excepting the consular fees established, or which may be established, by the United States for issuing shipping documents, where fees shall not be higher than those charged on the shipments of similar merchandise from any other nation whatsoever; that articles of the Republic of Cuba shall receive, on their importation into the ports of the United States, treatment equal to that which similar articles of the United States shall receive on their importation into the ports of the Republic of Cuba; that any tax or charge that may be imposed by the national or local authorities of the United States upon the articles of merchandise of the Republic of Cuba, embraced in the provisions of said convention, subsequent to importation and prior to their entry into consumption into the United States, shall be imposed and collected without discrimination upon like articles whencesoever imported.

Act Dec. 17, 1903, c. 1, § 2, 33 Stat. 4.

**ACT MARCH 2, 1905, c. 1311. [H. R. 18285.]**

An Act Fixing the Status of Merchandise Coming into the United States from the Canal Zone, Isthmus of Panama. (33 Stat. 843.)

**Laws affecting imports and entry of persons into United States to apply to articles, goods, etc., and persons coming from Canal Zone, Isthmus of Panama.**

Be it enacted, &c., That all laws affecting imports of articles, goods,

wares, and merchandise and entry of persons into the United States from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia.

Act March 2, 1905, c. 1311, 33 Stat. 843.

**ACT MARCH 3, 1905, c. 1408, § 13. [H. R. 18965.]**

**Deduction, from duties on products of Philippine Islands coming into United States, of export duty or taxes paid thereon; products of Philippine Islands admitted into United States free of duty, coming directly from said islands, exempted from export duties imposed therein.**

\* \* That the rates of duty levied, collected, and paid upon products of the Philippine Islands coming into the United States shall be less any export duty, or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Islands, under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty, and coming directly from said islands to the United States, for use and consumption therein, shall be exempt from any export duties imposed in the Philippine Islands.

Act March 3, 1905, c. 1408, § 13, 33 Stat. 975.

This is a proviso annexed to a section prescribing rates of export duties on Philippine products, contained in the Philippine tariff revision law of 1905, cited above. It re-enacts, in nearly the same language, a proviso annexed to Act March 8, 1902, c. 140, § 2, set forth above.

**ACT MARCH 3, 1905, c. 1447. [H. R. 17102.]**

An Act to Extend the Time within which Actions for the Recovery of Duties Paid in Porto Rico may be brought in the Court of Claims under the Act of April Twenty-ninth, Nineteen hundred and two. (33 Stat. 1013.)

**Claims for refunding of duties paid in Porto Rico; time for bringing actions extended.**

Be it enacted, &c., That the time within which actions may be brought in the Court of Claims for the recovery of customs duties paid to the military authorities in the island of Porto Rico upon articles imported from the several States and entered at the several ports of entry in Porto Rico from and including April eleventh, eighteen hundred and ninety-nine, to May first, nineteen hundred, under the Act of April twenty-ninth, nineteen hundred and two, chapter six hundred and forty of the laws of the Fifty-seventh Congress, first session, be, and it is hereby, extended until six months from the date of the passage of this Act.

Act March 3, 1905, c. 1447, 33 Stat. 1013.

Act April 29, 1902, c. 640, mentioned in this act, which conferred jurisdiction on the Court of Claims of actions for recovery of the duties described, is set forth above.

# TITLE XXXIV.

## COLLECTION OF DUTIES UPON IMPORTS.

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### CHAPTER ONE.

#### Collection-Districts, Ports, and Officers.

##### Sec. 2517.

###### **Districts in Maine; Belfast.**

Vinalhaven is made a subport of entry in the district of Belfast by Act April 12, 1904, c. 1245, set forth below.

###### **ACT APRIL 12, 1904, c. 1245. [H. R. 7292.]**

An Act Making Vinalhaven, Maine, a Subport of Entry. (33 Stat. 171.)

###### **Vinalhaven; subport of entry.**

Be it enacted, &c., That Vinalhaven, in the State of Maine, be, and is hereby, constituted a subport of entry in the customs collection district of Belfast, Maine.

Act April 12, 1904, c. 1245, 33 Stat. 171.

##### Sec. 2527. [*As amended 1875, 1877, 1884.*]

###### **Districts in Massachusetts; Gloucester.**

Immediate transportation privileges are extended to the port of Gloucester by Act March 1, 1905, c. 1300, set forth post, under chapter 7 of this Title.

##### Sec. 2529.

[Amended. Act July 1, 1902, c. 1372.]

This section is amended by the reduction of the two appraisers at the port of Boston, authorized by the fifth subsection thereof, to one, by Act July 1, 1902, c. 1372, set forth below.

The appointment of an additional assistant appraiser at the port of Boston is authorized by Act April 28, 1904, c. 1783, set forth below.

###### **ACT JULY 1, 1902, c. 1372.**

An Act to Diminish the Number of Appraisers at the Ports of  
(396)

Philadelphia and Boston, and for Other Purposes. (32 Stat. 715.)

**Appraisers at Boston and Philadelphia; salary.**

Be it enacted, &c., That sections numbered twenty-five hundred and twenty-nine and twenty-five hundred and forty-four of the Revised Statutes of the United States are hereby so amended that there shall be one appraiser of merchandise at each of said ports instead of two, as now provided by law.

The salary of said appraisers shall be four thousand dollars each per annum, instead of three thousand dollars each, as now established by law.

Act July 1, 1902, c. 1372, 32 Stat. 715.

Rev. St. §§ 2529, 2544, amended by this act, are set forth in Comp. St. 1901, pp. 1723, 1741.

The appointment of an additional assistant appraiser at Boston is authorized by Act April 28, 1904, c. 1783, set forth below.

**ACT APRIL 28, 1904, c. 1783. [S. 4955.]**

An Act to Provide for the Appointment of an Additional Assistant Appraiser at the Port of Boston. (33 Stat. 538.)

**Additional assistant appraiser at Boston; salary.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint an additional assistant appraiser at the port of Boston, State of Massachusetts, to be paid out of any money in the Treasury not otherwise appropriated, at a salary not exceeding two thousand five hundred dollars per annum.

Act April 28, 1904, c. 1783, 33 Stat. 538.

Previous provisions for the appointment of assistant appraisers at Boston are contained in Rev. St. § 2529, subsec. 5, Comp. St. 1901, p. 1723.

**Sec. 2533. [As amended 1887.]**

**Districts in Connecticut; Fairfield.**

Norwalk is made a subport of entry in the district of Fairfield by Act Feb. 2, 1905, c. 293, set forth below.

**ACT FEB. 2, 1905, c. 293. [H. R. 16790.]**

An Act Making Norwalk, Connecticut, a Subport of Entry. (33 Stat. 629.)

**Norwalk; subport of entry.**

Be it enacted, &c., That Norwalk, in the State of Connecticut, be, and is hereby, constituted a subport of entry in the customs collection district of Fairfield, Connecticut.

Act Feb. 2, 1905, c. 293, 33 Stat. 629.

**Sec. 2535.**

**Districts in New York; Champlain; Oswego; Niagara.**

Rouses Point and Malone are made subports of entry in the district

of Champlain, and immediate transportation privileges are extended to said subports, by Act Feb. 17, 1905, c. 580, set forth below.

Utica is made a port of delivery in the district of Oswego, and immediate transportation privileges are extended to said subport, by Act March 24, 1904, c. 815, set forth below.

Immediate transportation privileges are extended to the port of Niagara Falls by Act March 2, 1903, c. 982, set forth post, under chapter 7 of this Title.

**Act MARCH 24, 1904, c. 815. [H. R. 4074.]**

An Act Constituting Utica, New York, a Port of Delivery, and for Other Purposes. (33 Stat. 145.)

**Utica; port of delivery; immediate transportation privileges; deputy collector.**

Be it enacted, &c., That Utica, in the State of New York, be, and is hereby, constituted a port of delivery, in the customs-collection district of Oswego, New York, and that the privileges of immediate transportation of dutiable merchandise conferred by the seventh section of the Act of June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby extended to said port; and there shall be appointed a deputy collector of customs, to be nominated by the collector of customs at Oswego, New York.

Act March 24, 1904, c. 815, 33 Stat. 145.

**ACT FEB. 17, 1905, c. 580. [S. 6337.]**

An Act for the Establishment of Subports of Entry at Rouses Point and Malone, New York. (33 Stat. 718.)

**Rouses Point and Malone; subports of entry; immediate transportation privileges.**

Be it enacted, &c., That Rouses Point, New York, and Malone, New York, be, and are hereby, established as subports of entry in the customs collection district of Champlain, State of New York, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to said subports.

Act Feb. 17, 1905, c. 580, 33 Stat. 718.

**Sec. 2536.**

**Officers in New York; Oswego.**

The appointment of a deputy collector at Utica, which is made a port of delivery in the district of Oswego, is authorized by Act March 24, 1904, c. 815, set forth above.

**Sec. 2542.**

**Officers in New Jersey; Burlington.**

The collector of the district of Burlington, who was required, by R

St. § 2542, subsec. 6, to reside at the port of Trenton, may reside at any point within the district, in the discretion of the Secretary of the Treasury, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

**ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

**Burlington; residence of collector.**

Customs Service in New Jersey: The collector of the district of Burlington, in the State of New Jersey, may reside at any point within the district, in the discretion of the Secretary of the Treasury.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 485.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

**Sec. 2543.**

**Districts in Pennsylvania; Philadelphia.**

Chester is made a subport of entry in the district of Philadelphia by Act Jan. 25, 1904, c. 35, set forth below.

**ACT JAN. 25, 1904, c. 35. [S. 652.]**

An Act Making Chester, Pennsylvania, a Subport of Entry. (33 Stat. 9.)

**Chester; subport of entry.**

Be it enacted, &c., That Chester, in the State of Pennsylvania, be, and is hereby, constituted a subport of entry in the customs collection district of Philadelphia, Pennsylvania.

Act Jan. 25, 1904, c. 35, 33 Stat. 9.

**Sec. 2544.**

[Amended. Act July 1, 1902, c. 1372.]

This section is amended by the reduction of the two appraisers at the port of Philadelphia, authorized by the first subsection thereof, to one, by Act July 1, 1902, c. 1372, set forth above.

The appointment of an appraiser in the district of Pittsburg is authorized by Act Jan. 30, 1904, c. 40, set forth below.

**ACT JAN. 30, 1904, c. 40. [H. R. 6804.]**

An Act Providing for the Appointment of a Customs Appraiser at Pittsburg, Pennsylvania. (33 Stat. 9.)

**Officers in Pennsylvania; Pittsburg; appraiser; salary.**

Be it enacted, &c., That there shall be in the customs collection district of Pittsburg, in the State of Pennsylvania, an appraiser, to be appointed by the President, by and with the advice and consent of the Senate, and with compensation at the rate of three thousand dollars per annum.

Act Jan. 30, 1904, c. 40, 33 Stat. 9.

**Sec. 2546.****District of Delaware.**

Lewes is made a subport of entry in the district of Delaware by Act April 28, 1904, c. 1785, set forth below.

**ACT APRIL 28, 1904, c. 1785. [S. 5169.]**

An Act Making Lewes, Delaware, a Subport of Entry. (33 Stat. 539.)

**Lewes; subport of entry.**

Be it enacted, &c., That Lewes, in the State of Delaware, be, and is hereby, constituted a subport of entry in the customs collection district of Delaware.

Act April 28, 1904, c. 1785, 33 Stat. 539.

**Sec. 2555.**

[Amended. Act May 7, 1902, c. 778.]

The first subsection of this section is amended by Act May 7, 1902, c. 778, set forth below.

A deputy collector at Manteo, in the district of Albemarle, in the State of North Carolina, is authorized by Act Feb. 25, 1905, c. 799, set forth below.

Immediate transportation privileges are extended to the port of Wilmington, N. C., by Act Dec. 23, 1902, c. 11, set forth post, under chapter 7 of this Title.

**ACT MAY 7, 1902, c. 778.**

An Act Providing for the Removal of the Port of Entry in the Albemarle Collection of Customs District, North Carolina, from Edenton, North Carolina, to Elizabeth City, North Carolina. (32 Stat. 190.)

**Districts in North Carolina; Albemarle; Elizabeth City, port of entry.**

Be it enacted, &c., That section two thousand five hundred and fifty-five of the Revised Statutes of the United States, second edition, eighteen hundred and seventy-eight, be amended by striking out the word "Edenton" in the last line of the first subsection and inserting in lieu thereof the words "Elizabeth City."

Act May 7, 1902, c. 778, 32 Stat. 190.

Rev. St. § 2555, amended by this act, is set forth in Comp. St. 1901-1750.

**Sec. 2556.****Officers in North Carolina; Albemarle.**

The appointment of a deputy collector at Manteo, in the district of Albemarle, is authorized by Act Feb. 25, 1905, c. 799, set forth below.

**ACT FEB. 25, 1905, c. 799. [S. 4609.]**

An Act to Authorize the Secretary of the Treasury to Appoint



Deputy Collector of Customs at Manteo, North Carolina. (33 Stat 814.)

**Deputy collector at Manteo in district of Albemarle; powers and duties; compensation.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to appoint a deputy collector of customs at Manteo, in the district of Albemarle, North Carolina, who shall be empowered to grant enrollments and licenses to vessels and to perform such other duties relating to customs and commerce and navigation as the Secretary may direct, and be paid such compensation as he may deem proper.

Act Feb. 25, 1905, c. 799, § 1, 33 Stat. 814.

**Compensation of collector for district of Albemarle not affected.**

Sec. 2. That the compensation and emoluments of the collector of customs for the district of Albemarle, in the State of North Carolina, shall be continued to be paid on the same basis as heretofore.

Act Feb. 25, 1905, c. 799, § 2, 33 Stat. 815.

**Time of taking effect of act.**

Sec. 3. That this Act shall take effect July first, nineteen hundred and five.

Act Feb. 25, 1905, c. 799, § 3, 33 Stat. 815.

## **Sec. 2566.**

[Amended. Act April 22, 1904, c. 1414, § 1.]

This section is amended by Act April 22, 1904, c. 1414, § 1, set forth below, by changing the port of entry and ports of delivery in the district of Pearl River, mentioned in subsection 1.

**ACT MARCH 3, 1875, c. 150.**

**East Pascagoula; port of delivery.**

East Pascagoula, made by Act March 3, 1875, c. 150, set forth in Comp. St. 1901, p. 1761, a port of delivery in the district of Pearl River, is not included in the ports mentioned in Rev. St. § 2566, as amended by Act April 22, 1904, c. 1414, § 1, set forth below; but by Rev. St. § 2567, as amended by section 2 of the same act, also set forth below, the appointment of a deputy collector, who shall reside at Scranton or Pascagoula, is authorized.

**ACT APRIL 22, 1904, c. 1414. [H. R. 10956.]**

An Act to Amend Sections Twenty-five hundred and sixty-six and Twenty-five hundred and sixty-seven of the Revised Statutes of the United States, Eighteen hundred and seventy-eight, so as to Remove the Port of Entry for the District of Pearl River from Shieldsboro to Gulfport, and for Other Purposes. (33 Stat. 242.)

**Amendment of Rev. St. § 2566.**

Be it enacted, &c., That section twenty-five hundred and sixty-six of the Revised Statutes of the United States, eighteen hundred and SUPP. '05—26

seventy-eight, be, and the same is hereby, amended so as to read as follows:

**Districts in Mississippi.**

"Sec. 2566. There shall be in the State of Mississippi three collection districts, as follows:

**Pearl River.**

"First. The district of Pearl River, which comprises all the waters and shore of the Gulf of Mexico and of Lake Borgne, within the State, in which Gulfport shall be the port of entry, and Ship Island, Scranton, and Horn Island ports of delivery.

Act April 22, 1904, c. 1414, § 1, 33 Stat. 242.

Rev. St. § 2566, amended by this section, is set forth in Comp. St. 1901, p. 1760. The amendment changes the port of entry and ports of delivery in the district of Pearl River.

**Natchez.**

"Second. The district of Natchez, to comprise all the waters and shores of the Mississippi River within the State of Mississippi south of the range line between townships thirteen and fourteen, in which Natchez shall be the port of entry and Grand Gulf a port of delivery.

Act April 22, 1904, c. 1414, § 1, 33 Stat. 243.

**Vicksburg.**

"Third. The district of Vicksburg, to comprise all the waters and shores of the Mississippi River within the State of Mississippi north of the range line between townships thirteen and fourteen, in which Vicksburg shall be the port of entry."

Act April 22, 1904, c. 1414, § 1, 33 Stat. 243.

**Sec. 2. [Amends Rev. St. § 2567.]**

This section, amending Rev. St. § 2567, is set forth below.

**Time of taking effect of act.**

Sec. 3. That this Act take effect and be in force from and after its passage.

Act April 22, 1904, c. 1414, § 3, 33 Stat. 243.

**Sec. 2567.**

[Amended. Act April 22, 1904, c. 1414, § 2.]

This section is amended by Act April 22, 1904, c. 1414, § 2, set forth below, by changing the provisions relating to officers for the district of Pearl River, mentioned in subsection 1.

**ACT APRIL 22, 1904, c. 1414, § 2. [H. R. 10956.]**

**Amendment of Rev. St. § 2567.**

Sec. 2. That section twenty-five hundred and sixty-seven of the Revised Statutes of the United States, eighteen hundred and seventy-eight, be, and the same is hereby, amended so as to read as follows:

**Officers in Mississippi.**

"Sec. 2567. There shall be in the collection districts in the State of Mississippi the following officers:

**Pearl River.**

"First. In the district of Pearl River, a collector who shall reside at the port of Gulfport, a deputy collector who shall reside at Bay Saint Louis (Shieldsboro), a deputy collector who shall reside at Scranton or Pascagoula, as the Secretary of the Treasury shall designate, and a deputy collector who shall reside at Biloxi, together with such other officers as may be necessary for the proper performance of the business of the district, who shall be designated and appointed by the Secretary of the Treasury: Provided, That the Secretary of the Treasury shall have the right to fix the compensation of such deputy collectors and of such other officers as he is by this bill authorized to designate.

Act April 22, 1904, c. 1414, § 2, 33 Stat. 243.

This section is part of an act amending Rev. St. § 2566, as well as Rev. St. § 2567, the other sections of which are set forth above.

Rev. St. § 2567, amended by this section, is set forth in Comp. St. 1901, p. 1761. The amendment changes the provisions relating to officers in the district of Pearl River.

**Natchez.**

"Second. In the district of Natchez, a collector who shall reside at Natchez.

Act April 22, 1904, c. 1414, § 2, 33 Stat. 243.

**Vicksburg.**

"Third. In the district of Vicksburg, a collector."

Act April 22, 1904, c. 1414, § 2, 33 Stat. 243.

**Sec. 2568. [As amended 1882.]****Districts in Louisiana; New Orleans.**

Dayton, Ohio, is made a port of delivery in the district of New Orleans, and immediate transportation privileges are extended to said port, by Act April 12, 1904, c. 1246, set forth below.

**ACT APRIL 12, 1904, c. 1246. [H. R. 18212.]**

An Act for the Establishment of Dayton, Ohio, as a Port of Delivery. (33 Stat. 171.)

**Dayton, Ohio; port of delivery; immediate transportation privileges; surveyor.**

Be it enacted, &c., That Dayton, Ohio, be, and is hereby, established as a port of delivery in the customs collection district of New Orleans, Louisiana, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to said port; and there shall be appointed a surveyor of customs to reside at Dayton, who shall receive a salary to be determined by the Secretary of the Treasury.

Act April 12, 1904, c. 1246, 33 Stat. 171.

Columbus, Ohio, was also made a port of delivery, and immediate transportation privileges extended to said port, and a surveyor thereat authorized, by Act Feb. 9, 1889, c. 121, set forth in Comp. St. 1901, p. 1798.

**Sec. 2569.** [*As amended* 1882.]**Officers in Louisiana; New Orleans.**

The appointment of a surveyor at Dayton, Ohio, which is made a port of delivery in the district of New Orleans, is required by Act April 12, 1904, c. 1246, set forth above.

**Sec. 2578.** [*As amended* 1877, 1890, 1892.]**Districts in Texas; Galveston.**

Texas City is made a subport of entry in the district of Galveston, and immediate transportation privileges are extended to said subport by Act Feb. 17, 1905, c. 582, set forth below.

**ACT FEB. 17, 1905, c. 582.** [H. R. 16799.]

An Act Making Texas City, Texas, a Subport of Entry in the Customs Collection District of Galveston. (33 Stat. 719.)

**Texas City; subport of entry; immediate transportation privileges; deputy collector.**

Be it enacted, &c., That Texas City, in the State of Texas, be, and is hereby, made a subport of entry in the customs collection district of Galveston, and that the privileges of section one of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable goods without appraisement be, and the same are hereby, extended to such subport, and a deputy collector of customs shall be appointed, who shall reside at said subport.

Act Feb. 17, 1905, c. 582, '88 Stat. 719.

**Sec. 2579.** [*As amended* 1877, 1889, 1890.]**Officers in Texas; Galveston.**

The appointment of a deputy collector at Texas City, which is made a subport of entry in the district of Galveston, is authorized by Act Feb. 17, 1905, c. 582, set forth above.

**Sec. 2581.****ACT APRIL 29, 1890, c. 171.****District of Arizona; officers.**

A subport of entry at Naco, in the District of Arizona, is established, and a deputy collector to reside at that subport is to be appointed, by Act June 28, 1902, c. 1304, set forth below.

**ACT JUNE 28, 1902, c. 1304.**

An Act for the Establishment of a Subport of Entry at Naco, Arizona. (32 Stat. 484.)

**District of Arizona; Naco, subport of entry; deputy collector.**

Be it enacted, &c., That Naco, in the district of Arizona, Territory of Arizona, shall be established a subport of entry, and a deputy collector shall be appointed, who shall reside at said subport of entry.

and receive such compensation as the Secretary of the Treasury may allow.

Act June 28, 1902, c. 1804, 32 Stat. 484.

**ACT MARCH 18, 1904, c. 715. [S. 201.]**

An Act to Establish a Port of Delivery at Salt Lake City, Utah. (33 Stat. 85.)

**Salt Lake City, Utah; port of delivery; immediate transportation privileges.**

Be it enacted, &c., That Salt Lake City, in the State of Utah, be, and is hereby, constituted a port of delivery, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to said port.

Act March 18, 1904, c. 715, § 1, 33 Stat. 85.

**Surveyor at Salt Lake City, Utah; salary.**

Sec. 2. That there shall be appointed a surveyor of customs to reside at said port, whose salary shall be one thousand dollars per annum, in lieu of all fees and commissions of every kind whatsoever.

Act March 18, 1904, c. 715, § 2, 33 Stat. 85.

**Sec. 2586.**

**ACT AUG. 28, 1890, c. 814, § 2.**

**Tacoma and Seattle; supports of entry and delivery; immediate transportation privileges.**

Privileges under section 7 of the immediate transportation act having been granted to Tacoma and Seattle, supports of entry and delivery in the district of Puget Sound, in the State of Washington, by Act Aug. 28, 1890, c. 814, § 2, Comp. St. 1901, p. 1783, privileges under section 1 also are extended to both ports, by Act July 1, 1902, c. 1859, set forth post, under chapter 7 of this Title.

**Sec. 2591.**

**ACT MARCH 16, 1896, c. 58, § 1.**

**District of Alaska.**

Instead of Sitka, the port of entry for the district of Alaska as reorganized and established by Act March 16, 1896, c. 58, § 1, set forth in Comp. St. 1901, p. 1786, Juneau is made the port of entry for the district, by Act April 28, 1904, c. 1807, set forth below.

**Sec. 2592.**

[Amended. Act April 28, 1904, c. 1807.]

This section is amended by Act April 28, 1904, c. 1807, set forth below.

**ACT APRIL 28, 1904, c. 1807. [H. R. 1925.]**

An Act Providing for the Removal of the Port of Entry in the Cus-

toms Collection District in Alaska from Sitka, Alaska, to Juneau, Alaska. (33 Stat. 554.)

**Amendment of Rev. St. § 2592; residence of collector; Juneau port of entry.**

Be it enacted, &c., That section twenty-five hundred and ninety-two of the Revised Statutes of the United States, second edition, eighteen hundred and seventy-eight, be amended by striking out the word "Sitka" in the last line of the section and inserting in lieu thereof the word "Juneau." The collector of customs for the customs collection district of Alaska shall reside at Juneau, which is hereby made and constituted the port of entry for said district instead of Sitka.

Act April 28, 1904, c. 1807, 33 Stat. 554.

Rev. St. § 2592, amended by this act, is set forth in Comp. St. 1901, p. 1787. The previous provision making Sitka the port of entry for the district of Alaska was contained in Act March 16, 1896, c. 58, set forth in Comp. St. 1901, p. 1786.

**Sec. 2593.**

[Amended. Act June 28, 1902, c. 1307.]

This section is amended by Act June 28, 1902, c. 1307, set forth below.

**ACT JUNE 28, 1902, c. 1307.**

An Act to Amend Section Twenty-Five Hundred and Ninety-Three of the Revised Statutes, Relating to Ports of Entry. (32 Stat. 485.)

**Amendment of Rev. St. § 2593.**

Be it enacted, &c., That section twenty-five hundred and ninety-three, Revised Statutes, be, and the same is hereby, amended so as to read as follows:

**District of Montana and Idaho.**

"Sec. 2593. There shall be in the States of Montana and Idaho one collection district, as follows:

"The district of Montana and Idaho to comprise the States of Montana and Idaho, and the port of entry shall be Great Falls, Montana."

Act June 28, 1902, c. 1307, 32 Stat. 485.

Rev. St. § 2593, mentioned in and amended by this act, is set forth in Comp. St. 1901, p. 1787.

**Sec. 2594.**

**ACT OCT. 1, 1890, c. 1267, § 1.**

**District of North Dakota and South Dakota.**

Portal, N. D., is made a subport of entry, and immediate transportation privileges are extended to said subport, by Act Jan. 22, 1903, c. 197, set forth below.

**ACT JAN. 22, 1903, c. 197.**

An Act to Establish Portal, North Dakota, a Subport of Entry

and Extend thereto the Privileges of the First Section of the Act Approved June Tenth, Eighteen Hundred and Eighty. (32 Stat. 780.)

**Portal; subport of entry; immediate transportation privileges.**

Be it enacted, &c., That Portal, North Dakota, be, and is hereby, designated a subport of entry in the customs collection district of North and South Dakota, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said subport.

Act Jan. 22, 1903, c. 197, 32 Stat. 780.

**Sec. 2601. [*As amended 1895.*]**

**District of Indiana and Illinois; Chicago.**

Coal City, Ill., is made a port of delivery in the district of Chicago, and immediate transportation privileges are extended to said port, by Act April 28, 1904, c. 1825, set forth below.

Immediate transportation privileges are extended to Peoria, Ill., by Act April 27, 1904, c. 1627, set forth post, under chapter 7 of this Title.

**ACT APRIL 28, 1904, c. 1825. [H. R. 12899.]**

An Act Constituting Coal City, Grundy County, Illinois, a Port of Delivery. (33 Stat. 574.)

**Coal City, Ill.; port of delivery; immediate transportation privileges.**

Be it enacted, &c., That Coal City, Grundy County, Illinois, be, and hereby is, constituted a port of delivery in the customs collection district of Chicago, Cook County, Illinois, and that the privileges of immediate transportation of dutiable merchandise conferred by the seventh section of the Act of June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port.

Act April 28, 1904, c. 1825, 33 Stat. 574.

**Sec. 2602.**

**Officers in Indiana and Illinois; Chicago.**

The appointment of a naval officer for the district of Chicago is required by Act Feb. 6, 1904, c. 151, set forth below.

**ACT FEB. 6, 1904, c. 151. [S. 540.]**

An Act Providing for an Additional Officer in the District of Chicago, in the Collection District of Indiana and Illinois. (33 Stat. 11.)

**Naval officer for district of Chicago; salary.**

Be it enacted, &c., That there shall be in the district of Chicago, in

the collection district of Indiana and Illinois, in addition to the office now provided for by law, a naval officer for the district, who shall perform the duties pertaining to that office, and shall receive a salary five thousand dollars a year.

Act Feb. 6, 1904, c. 151, 33 Stat. 11.

## CHAPTER TWO.

### Qualifications, Pay, and Duties of Officers.

#### Sec. 2621.

##### **Duties of collector where naval officers and surveyors are appointed**

The authority, power, and jurisdiction, in relation to the exclusion from residence, within the United States, of Chinese, vested by law or treaty in the collectors of customs, are conferred upon such officers under the control of the Commissioner General of Immigration as the Secretary of Commerce and Labor may designate therefor, by provisions of Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "The Department of Commerce and Labor."

#### Sec. 2630.

##### **Deputy collectors.**

The deputy collector at Manteo in the district of Albemarle, North Carolina, is empowered to grant enrollments and licenses to vessels and to perform such other duties relating to customs and commerce and navigation as the Secretary of the Treasury may direct, by Act Feb. 25, 1905, c. 799, § 1, set forth ante, under chapter 1 of this Title.

The deputy collector at the subport of Naco, in the district of Arizona, is to receive such compensation as the Secretary of the Treasury may allow, by Act June 28, 1902, c. 1304, set forth ante, under chapter 1 of this Title.

#### Sec. 2659.

**ACT JUNE 22, 1874, c. 391, § 23. [As amended 1879.]**

##### **Salaries of certain collectors, naval officers, and surveyors.**

The salary of the naval officer for the district of Chicago is fixed at \$5,000 a year, by Act Feb. 6, 1904, c. 151, set forth ante, under chapter 1 of this Title.

#### Sec. 2702.

##### **Deputy collectors.**

The deputy collector at Manteo in the district of Albemarle, North Carolina, is to be paid such compensation as the Secretary of the Treasury may deem proper, by Act Feb. 25, 1905, c. 799, § 1, set forth ante, under chapter 1 of this Title.

#### Sec. 2718.

##### **Surveyors.**

The salary of the Surveyor at the port of Dayton, Ohio, is to



determined by the Secretary of the Treasury, by Act April 12, 1904, c. 1246, ante, under chapter 1 of this Title.

The salary of the surveyor at Salt Lake City, Utah, is fixed at \$1,000 per annum, in lieu of all fees and commissions, by Act March 18, 1904, c. 715, § 2, set forth ante, under chapter 1 of this Title.

## Sec. 2728.

### **Appraisers at Boston and other ports.**

At each of the ports of Boston and Philadelphia there is but one appraiser, instead of two, as previously provided, and their salary is \$4,000 each per annum, instead of \$3,000, as fixed by this section, by Act July 1, 1902, c. 1372, ante, under chapter 1 of this Title.

## Sec. 2730. [*As amended 1875.*]

### **Appraisers at Providence and other ports.**

An appraiser in the district of Pittsburg, with compensation at the rate of \$3,000 per annum, is authorized by Act Jan. 30, 1904, c. 40, ante, under chapter 1 of this Title.

## Sec. 2732.

### **Assistant appraisers at Boston and other ports.**

An additional assistant appraiser at the port of Boston, at a salary not exceeding \$2,500 per annum, is authorized by Act April 28, 1904, c. 1783, ante, under chapter 1 of this Title.

Appropriations for expenses of local appraisers at annual meetings, for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, are made in recent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1413, § 1, 33 Stat. 1169.

Provisions for the performance, temporarily, of the duties of appraisers and assistant appraisers, in cases of vacancy in the office, or of sickness, disability, or absence, are contained in Act March 3, 1905, c. 1413, set forth below.

### **ACT MARCH 3, 1905, c. 1413. [S. 4069.]**

An Act to Provide for the Performance, Temporarily, of the Duties of Appraisers and Assistant Appraisers of Merchandise. (33 Stat. 983.)

### **Performance of duties of appraiser or assistant appraiser during vacancy in office.**

Be it enacted, &c., That in case of a vacancy occurring, by reason of death or otherwise, in the office of appraiser or assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate some officer or employee within the district to perform the duties of the office, without additional compensation, until the vacancy shall have been filled.

Act March 3, 1905, c. 1413, § 1, 33 Stat. 983.

### **Performance of duties of appraiser or assistant appraiser, during his sickness, disability, or absence from office.**

Sec. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser of merchandise in any cus-

toms collection district it shall be lawful for the appraiser to nominate and the Secretary of the Treasury to confirm, an assistant appraiser or other officer of the customs in the same customs collection district who shall perform the functions of the appraiser, without additional compensation, during such absence: Provided, That in no case shall any person enter upon or discharge the duties of the appraiser or assistant appraiser of merchandise until he shall have taken the oath required by law of such officer.

Act March 3, 1905, c. 1413, § 2, 33 Stat. 983.

### Sec. 2737.

**ACT JUNE 10, 1890, c. 189, § 1.**

#### **Compensation of night inspectors of customs.**

Additional compensation to inspectors at New York, for work at unusual hours and for expenses, is authorized by Act Dec. 16, 1902, set forth below.

**ACT DEC. 16, 1902, c. 2.**

An Act Regulating the Duties and Fixing the Compensation of the Customs Inspectors at the Port of New York. (32 Stat. 753.)

#### **Inspectors at New York; additional compensation.**

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to increase the compensation of inspectors of customs at the port of New York as he may think advisable and proper, adding to their present compensation a sum not exceeding one dollar per day, which additional compensation shall be for work now performed by them at unusual hours, for which no compensation is now allowed, and shall include work performed by said inspectors at night in examining passengers' baggage, and also as reimbursement of expenses incurred by them for meals and transportation while on the discharge or performance of their official duties.

Act Dec. 16, 1902, c. 2, 32 Stat. 753.

### Sec. 2743.

[Amended. Act July 1, 1902, c. 1379.]

This section is amended by increasing the salary of the special examiner at Philadelphia, by Act July 1, 1902, c. 1379, set forth below.

**ACT JULY 1, 1902, c. 1379.**

An Act to Amend Section Twenty-Seven Hundred and Forty-three of the Revised Statutes of the United States Concerning the Examination of Drugs. (32 Stat. 730.)

#### **Special examiner of drugs at Philadelphia.**

Be it enacted, &c., That section twenty-seven hundred and forty-three of the Revised Statutes be, and it hereby is, so amended that the special examiner of drugs, medicines, chemicals, chemical pre-

rations, dyes, dyestuffs, paints, oils, varnishes, and other similar articles, at Philadelphia, Pennsylvania, shall receive a salary of one thousand eight hundred dollars per annum, and shall be paid each year quarterly.

Act July 1, 1902, c. 1879, 32 Stat. 730.

Rev. St. § 2743, mentioned in and amended by this act, is set forth in Comp. St. 1901, p. 1848.

## CHAPTER THREE.

### Revenue Cutters and Boats.

#### Sec. 2749.

##### Number of officers and men.

The number, rank, pay, etc., of commissioned officers of the Revenue-Cutter Service are prescribed, and provisions for their retirement, etc., are made, by Act April 12, 1902, c. 501, set forth below.

#### ACT APRIL 12, 1902, c. 501.

An Act to Promote the Efficiency of the Revenue-Cutter Service.  
(32 Stat. 100.)

##### Officers.

Be it enacted, &c., That on and after the passage of this Act the commissioned officers of the Revenue-Cutter Service shall be as follows: Captains, first lieutenants, second lieutenants, third lieutenants, captain of engineers, chief engineers, first assistant engineers, second assistant engineers, and constructor; and the captain of engineers, chief engineers, first assistant engineers, second assistant engineers shall have the rank of captain, first, second, and third lieutenants, respectively; and the constructor shall have the rank of first lieutenant: Provided, however, There shall be no increase in the number of officers upon the active list over the present number in each class or grade.

Act April 12, 1902, c. 501, § 1, 32 Stat. 100.

The provisions of this act supersede those of Rev. St. § 2750, and other sections of the same chapter of the Revised Statutes and provisions of subsequent acts collected under this chapter in Comp. St. 1901, pp. 1851-1854.

**Rank of officers; rank when co-operating with Navy; no control by officers over vessels, officers, or men of naval service, nor by naval officers over vessels, officers, or men of Revenue-Cutter Service.**

Sec. 2. That the said commissioned officers shall rank as follows: Captains with majors in the Army and lieutenant-commanders in the Navy; first lieutenants with captains in the Army and lieutenants in the Navy; second lieutenants with first lieutenants in the Army and lieutenants (junior grade) in the Navy; third lieutenants with second lieutenants in the Army and ensigns in the Navy: Provided, That whenever forces of the Navy and Revenue-Cutter Service shall be

serving in cooperation pursuant to law (section twenty-seven hundred and fifty-seven, Revised Statutes), the officers of the Revenue-Cutter Service shall rank as follows: Captains with and next after lieutenant-commanders in the Navy; first lieutenants with and next after second lieutenants in the Navy; second lieutenants with and next after lieutenants (junior grade) in the Navy; third lieutenants with and next after ensigns in the Navy: Provided further, That no provision of this Act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service. Nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President.

Act April 12, 1902, c. 501, § 2, 32 Stat. 100.

Rev. St. § 2757, mentioned in this section, is set forth in Comp. St. 1901, p. 1856.

#### **Pay and allowances of officers.**

Sec. 3. That the commissioned officers of the United States Revenue-Cutter Service shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longer pay.

Act April 12, 1902, c. 501, § 3, 32 Stat. 100.

This section supersedes Rev. St. § 2753, Comp. St. 1901, p. 1854, and other provisions prescribing the pay of officers of the service.

The pay of officers on the retired or permanent waiting-orders list prescribed by section 9 of this act, set forth below.

Officers detailed for duty in the Life-Saving Service are not entitled to mileage when traveling on duty connected with said service, but are to receive actual necessary traveling expenses, by a provision of Act April 1, 1902, c. 1351, post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 5.

#### **Retirement; age; incapacity.**

Sec. 4. That when any officer in the Revenue-Cutter Service has reached the age of sixty-four years he shall be retired by the President from active service; and when any officer has become incapable of performing the duties of his office he shall be either placed upon the retired waiting-orders list or dropped from the service by the President, as hereinafter provided.

Act April 12, 1902, c. 501, § 4, 32 Stat. 100.

The provisions of this and following sections of this act supersede those of Act March 2, 1895, c. 189, § 1, Comp. St. 1901, p. 1853.

#### **Retiring board; composition; proceedings.**

Sec. 5. That the Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Revenue-Cutter Service retiring board, composed of officers of the Revenue-Cutter Service and medical officers of the Marine-Hospital Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers of the Marine-Hospital Service for the purpose of examining and reporting on such officers of the Revenue-Cutter Service as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president.

dent of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and when the board finds an officer incapacitated for active service it shall also find and report the cause which in its judgment has produced his incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case.

Act April 12, 1902, c. 501, § 5, 32 Stat. 100.

**Retirement for incapacity resulting from incident of service, age, or disability; assignment of retired officers to duty.**

Sec. 6. That when a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired waiting-orders list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury.

Act April 12, 1902, c. 501, § 6, 32 Stat. 101.

**Removal from service for incapacity resulting from vicious habits.**

Sec. 7. That when a board finds that an officer is incapacitated for active service, and that such incapacity is the result of his own vicious habits and not due to any incident of service, and its decision shall be approved by the President, the officer shall be dropped from the service.

Act April 12, 1902, c. 501, § 7, 32 Stat. 101.

**Promotions to fill vacancies consequent on retirement; examinations for promotion.**

Sec. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement: Provided, That all promotions shall be subject to examination to determine the professional qualifications of the candidates, and such examination shall be wholly written before a board of officers of the Revenue-Cutter Service, and their physical qualifications shall be reported upon by a board of medical officers of the Marine-Hospital Service; and such board shall be convened by the Secretary of the Treasury whenever the exigencies of the service require.

Act April 12, 1902, c. 501, § 8, 32 Stat. 101.

**Pay of officers on retired or permanent waiting-orders list; longevity pay not allowed after retirement.**

Sec. 9. That all officers borne upon the retired or permanent

waiting-orders list at the date of the passage of this Act, or hereafter, shall receive seventy-five per centum of the duty pay, salary and increase of the rank upon which they have been or may be retired: Provided, That no longevity increase of pay shall be allowed for any length of service accruing after retirement.

Act April 12, 1902, c. 501, § 9, 32 Stat. 101.

**Repeal.**

Sec. 10. That all laws or parts of laws inconsistent or in conflict with the provisions of this Act be, and the same are hereby, repealed.

Act April 12, 1902, c. 501, § 10, 32 Stat. 101.

**Sec. 2750.**

[Superseded. Act April 12, 1902, c. 501, § 1.]

This section is superseded by the provisions relating to the grades of engineers in the service contained in Act April 12, 1902, c. 501, set forth above.

**Sec. 2752.**

**ACT JULY 31, 1876, c. 246.**

**Cadets.**

The probationary term of cadets, fixed by this section at two years, made three years by a provision of Act Feb. 25, 1903, c. 755, § 1, set forth below.

**ACT FEB. 25, 1903, c. 755, § 1.**

**Probationary term of cadets three years.**

\* \* That from and after the approval of this Act the probationary term of cadets in the Revenue-Cutter Service shall be three years instead of two years, as now provided by law.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 869.

This is a proviso annexed to an appropriation for the division of Revenue-Cutter Service in the Treasury Department, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above. The term previous to this act was two years, under a provision of Act July 31, 1876, c. 246, Comp. St. 1901, p. 1852.

**ACT MARCH 2, 1895, c. 189, § 1.**

[Superseded. Act April 12, 1902, c. 501, §§ 5-9.]

The provisions of this section, set forth in Comp. St. 1901, p. 1853, are superseded by the subsequent provisions relating to the same subject contained in Act April 12, 1902, c. 501, §§ 5-9, set forth above.

**ACT JUNE 4, 1897, c. 2, § 1.**

[Superseded. Act April 12, 1902, c. 501, §§ 1-3.]

The provisions of this act, set forth in Comp. St. 1901, p. 1853, relating to the captain of engineers, are superseded by the subsequent provisions, similar in effect, of Act April 12, 1902, c. 501, §§ 1-3, set forth above.

**ACT JULY 1, 1898, c. 546, § 1.**

[Superseded. Act April 12, 1902, c. 501, §§ 1-3.]

The provisions of this act, set forth in Comp. St. 1901, p. 1854, relating to the constructor in the service, are superseded by the subsequent provisions, similar in effect, of Act April 12, 1902, c. 501, §§ 1-3, set forth above.

**Sec. 2753.**

[Superseded. Act April 12, 1902, c. 501, § 3.]

The provisions of this section, set forth in Comp. St. 1901, p. 1854, relating to the compensation of officers of the service, are superseded by the subsequent provisions of Act April 12, 1902, c. 501, § 3, set forth above.

**Sec. 2757.****Revenue officers to co-operate with the Navy.**

No provision of the act to promote the efficiency of the Revenue-Cutter Service, Act April 12, 1902, c. 501, set forth above, is to be construed as giving any officer of the service control over any vessel, officer, or man of the naval service, nor shall any officer of the naval service exercise control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President, by a proviso annexed to section 2 of that act.

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## CHAPTER FOUR.

**Entry of Merchandise.****Sec. 2770.****Where vessels from foreign ports may enter and unlade.**

The laws relating to entry, clearance, and manifests of vessels arriving from or going to foreign ports apply to voyages each way between the Philippine Islands and the United States and possessions thereof, and all laws relating to the collection and protection of customs duties apply in the case of vessels and goods arriving from said islands in the United States and its possessions, by provisions of Act July 1, 1902, c. 1369, § 84, set forth below.

**ACT JULY 1, 1902, c. 1369, § 84.**

**Application of laws relating to shipping, customs duties, seamen, health, etc., to vessels making voyages between the Philippine Islands and the United States, vessels and goods arriving from said Islands, seamen on voyages going to said Islands, etc.; application of laws concerning transit of merchandise through the United States, to merchandise destined to any of its possessions or from them to foreign countries; effect of act on previous provisions.**

That the laws relating to entry, clearance, and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the Act of Congress of March eighth, nineteen hundred and two,

"temporarily to provide revenue for the Philippine Islands," shall apply in the case of vessels and goods arriving from said Islands, the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to men on vessels going from the United States and its possessions aforesaid to said Islands, the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters six and seven, title forty-eight, Revised Statutes, so far as now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said Islands, and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said Islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section three thousand and five, Revised Statutes, as amended, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this Act shall be held to repeal or alter any part of the Act of March eighth, nineteen hundred and two, aforesaid, or to apply to Guam, Tutuila, or Manua, except that section eight of an Act entitled "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine Commission on the seventeenth of September, nineteen hundred and one, and approved by the Act entitled "An Act temporarily to provide revenues for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two, is hereby amended so as to authorize the Governor thereof in his discretion to establish the equivalent rate of the money in circulation in said Islands with the money of the United States as often as once in ten days.

Act July 1, 1902, c. 1369, § 84, 32 Stat. 711.

This section is part of an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, cited above.

The provisions of Act March 8, 1902, c. 140, mentioned in this section are set forth or referred to ante, under Title XXXIII, "Duties upon imports."

The laws relating to entry, clearance, and manifests of vessels, mentioned in this section, are contained in this chapter of the Revised Statutes, and in Title XLVIII, "Regulation of Commerce and Navigation," sections 2, and subsequent provisions, set forth in Comp. St. 1901, pp. 1858-1859, 2839-2848; and the laws relating to the collection, etc., of customs duties, also mentioned therein, are contained in this Title of the Revised Statutes and subsequent provisions, set forth in Comp. St. 1901, pp. 1705-2037.

The laws relating to seamen on foreign voyages, mentioned in this section, are contained in Rev. St. Title LIII, and subsequent provisions, set forth in Comp. St. 1901, pp. 3061-3125.

Rev. St. Title XLVIII, cc. 6, 7, mentioned in this section and amendments thereof, are set forth in Comp. St. 1901, pp. 2929-2949; provisions relating to public health and quarantine, also mentioned therein.



in, are contained in Rev. St. Title LVIII, "The Public Health," and subsequent provisions, set forth in Comp. St. 1901, pp. 3305-3319.

Rev. St. § 3005, as amended, mentioned in this section, is set forth in Comp. St. 1901, p. 1982.

## **Sec. 2787.**

[Amended. Act March 2, 1905, c. 1306.]

This section is amended by Act March 2, 1905, c. 1306, set forth below.

### **ACT MARCH 2, 1905, c. 1306. [H. R. 16646.]**

An Act to Amend Section Twenty-seven hundred and eighty-seven of the Revised Statutes of the United States. (33 Stat. 826.)

#### **Amendment of Rev. St. § 2787.**

Be it enacted, &c., That section twenty-seven hundred and eighty-seven of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

**Bond by agent [factor, etc.; cancellation of bond; general bond by agent, factor, or common carrier].**

"Sec. 2787. Whenever any entry is made with the collector of any district of merchandise imported into the United States subject to duty by any agent, factor, or person, other than the person to whom it belongs or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person in the penal sum of an amount equal to double the estimated duties, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to any entry previous to the landing of merchandise; which account shall be verified by a like oath, as in the case of an entry, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs, or before any properly qualified notary whose seal shall be attested by the clerk of the county in which he is resident, or before any notary public designated by the Secretary of the Treasury. In case of the payment of the duties at the time of entry by any factor or agent on the merchandise entered by him, the condition of the bond shall be to produce the account of the proper owner or consignee, verified in manner as before directed, within ninety days from the date of such bond.

"The bond in no case shall be for less than one hundred dollars, and may not be required when the entered value of the merchandise does not exceed one hundred dollars. In the event of failure to produce the declaration of the owner or ultimate consignee within the time herein prescribed the bond may be cancelled, at the discretion of the Secretary of the Treasury, upon due proof that the factor or agent who entered the merchandise exercised proper diligence in the effort to fulfill the requirements of this Act."

Provided, That with the approval of the Secretary of the Treasury any agent, factor, or common carrier engaged in the entry of merchan-

dise at the port of first arrival may give a general penal bond at port for the production of the oaths of owners or ultimate consignee. Said bond shall be fixed by the Secretary of the Treasury at an amount sufficient in his opinion to cover all obligations to the United States that may accrue, and the record and cancellation of liabilities under said general bond shall be in accordance with such rules as he may prescribe.

Act March 2, 1905, c. 1306, 33 Stat. 826.

Rev. St. § 2787, amended by this act, is set forth in Comp. St. 1901, p. 1869. The amendment changes and adds to the language of the section as originally enacted, to read as in the first paragraph as set forth here, and adds thereto the last two paragraphs.

## Sec. 2839.

**ACT JUNE 10, 1890, c. 407, § 1.**

### **Merchandise imported deemed property of consignee.**

The provisions of this act as amended, set forth and referred to in Comp. St. 1901, pp. 1886-1898, apply to all articles coming into the United States from the Philippine Archipelago, by Act March 8, 1902, c. 140, § 8, set forth below.

Section 20 of this act, set forth in Comp. St. 1901, p. 1950, is amended by Act Dec. 15, 1902, c. 1, set forth post, under chapter 7 of this Title.

**ACT MARCH 8, 1902, c. 140, § 8.**

### **Provisions of customs-administration act applicable to articles coming from the Philippine Archipelago.**

That the provisions of the Act entitled "An Act to simplify customs laws in relation to the collection of revenues," approved June ten and eighteen hundred and ninety, as amended by an Act entitled "An Act to provide for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, shall apply to all articles coming into the United States from the Philippine Archipelago.

Act March 8, 1902, c. 140, § 8, 32 Stat. 55.

This section is part of an act temporarily to provide revenue from the Philippine Islands, and for other purposes, cited above, other sections of which are set forth or referred to ante, under Title XXXIII, "Duties upon Imports."

## Sec. 2855.

### **Indorsement upon invoice.**

The destruction of invoices on file in consular offices for more than five years may be authorized by Act Feb. 24, 1903, c. 753, set forth below.

**ACT FEB. 24, 1903, c. 753.**

An Act to Permit the Secretary of State to Cause the Destruction of Invoices of Merchandise Exported to the United States Which Have Been on File in the Consular Offices for More than Five Years. (32 Stat. 854.)

### **Invoices on file in consular offices; destruction authorized.**

Be it enacted, &c., That the Secretary of State is authorized

cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

Act Feb. 24, 1903, c. 753, 32 Stat. 854.

Provisions for the disposition of accumulations of useless papers in the departments and other offices, etc., are set forth or referred to in Comp. St. 1901, pp. 98, 99.

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## CHAPTER SIX.

### Appraisal.

#### Sec. 2902.

**ACT JUNE 10, 1890, c. 407, § 10.**

**Merchandise to be appraised at current actual market value and wholesale price.**

The provisions of this act, which are set forth or referred to in Comp. St. 1901, under chapter 4 of this Title, and sections 10-19 and 23 of which, relating to appraisal, are set forth therein under this chapter, apply to all articles coming into the United States from the Philippine Islands, by Act March 8, 1902, c. 140, § 8, ante, under chapter 4 of this Title.

Appropriations for expenses of local appraisers at annual meetings, for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, are made in recent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1169.

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## CHAPTER SEVEN.

### The Bond and Warehouse System.

#### Sec. 2970.

**ACT JUNE 10, 1890, c. 407, § 20.**

**Withdrawal for consumption; perishable or explosive articles.**

This section is amended by Act Dec. 15, 1902, c. 1, set forth below.

The provisions of the act of which this section is a part, other sections of which are set forth under chapters 4, 6, of this Title, apply to all articles coming into the United States from the Philippine Islands, by Act March 8, 1902, c. 140, § 8, ante, under chapter 4 of this Title.

**ACT DEC. 15, 1902, c. 1.**

An Act to Amend Section Twenty of an Act Entitled "An Act to Simplify the Laws in Relation to the Collection of the Revenues," Approved June Tenth, Eighteen Hundred and Ninety. (32 Stat. 753.)

**Amendment of Act June 10, 1890, c. 407, § 20.**

Be it enacted, &c., That section twenty of an Act entitled "An Act

to simplify the laws in relation to the collection of the revenue approved June tenth, eighteen hundred and ninety, be, and the same is hereby, amended so as to read as follows:

**Withdrawal for consumption; duty at time of withdrawal to be collected; perishable or explosive articles.**

"Sec. 20. That any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: Provided, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal: And provided further, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Act Dec. 15, 1902, c. 1, 32 Stat. 753.

Act June 10, 1890, c. 407, § 20, mentioned in and amended by this act is set forth, as previously amended by Act Oct. 1, 1890, c. 1244, § 54, Comp. St. 1901, p. 1950. The amendment by this act consists in the insertion of the words constituting the first proviso, as set forth herein, with the words, "and provided further," preceding what was originally the only proviso to the section.

## Sec. 2982.

**ACT JULY 24, 1897, c. 11, § 15.**

**Bonded manufacturing warehouses.**

Articles manufactured in bonded manufacturing warehouses, as provided in this section, may be shipped to the Philippine Islands, exempt from internal revenue tax, and drawback may be allowed of the internal revenue taxes or the duties paid on articles so shipped, by Act March 3, 1902, c. 140, § 6, set forth below; and by section 7 of the same act, also set forth below, duties paid on merchandise in bonded warehouses, etc., are to be returned on shipment thereof to the Philippine Islands, and merchandise on which duties have not been paid may be shipped to the Philippine Islands without payment of duty.

**ACT MARCH 3, 1902, c. 140, §§ 6, 7.**

**Shipment to Philippine Islands of articles manufactured in bonded manufacturing warehouses, exempt from internal revenue tax, of articles subject to internal revenue tax without payment of taxes or with benefit of drawback, etc.**

Sec. 6. That all articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials subject to internal-revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal-revenue tax, and shall not be charged with duties except the duty levied under this Act upon imports into the Philippine Islands.

That all articles subject under the laws of the United States to internal-revenue tax, or on which the internal-revenue tax has been paid, and which may under existing laws and regulations be exported to any foreign country without the payment of such tax, or with benefit

drawback, as the case may be, may also be shipped to the Philippine Islands with like privilege, under such regulations and the filing of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue may, with the approval of the Secretary of the Treasury, prescribe. And all taxes paid upon such articles shipped to the Philippine Islands since November fifteenth, nineteen hundred and one, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

That where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe.

Act March 8, 1902, c. 140, § 6, 32 Stat. 55.

This section and the section next following are part of an act temporarily to provide revenue for the Philippine Islands, and for other purposes, other sections of which are set forth or referred to ante, under chapter 4 of this Title.

Provisions for cancellation of bonds given, prior to November 20, 1901, upon shipment to the Philippine Islands of articles subject to internal-revenue tax, as if given upon shipment to a foreign country, are contained in Act April 28, 1904, c. 1828, 33 Stat. 574.

**Shipment to Philippine Islands of merchandise in bonded warehouses, etc.; return of duties paid; shipment without payment of duty.**

Sec. 7. That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less one per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Act March 8, 1902, c. 140, § 7, 32 Stat. 55.

See note under preceding section of this act.

## **Secs. 2990-2997.**

**ACT JUNE 10, 1890, c. 190, § 1.**

**Ports at which entry may be made for transportation in bond.**

The privileges of the immediate transportation act are extended to the port of Niagara Falls, N. Y., by Act March 2, 1903, c. 982, set forth below.

The privileges of the first section of the immediate transportation act are extended to the following ports:

Tacoma and Seattle, Wash., by Act July 1, 1902, c. 1359, set forth below.

Wilmington, N. C., by Act Dec. 23, 1902, c. 11, set forth below.  
 Portal, N. D., by Act Jan. 22, 1903, c. 197, set forth ante, under chapter 1 of this Title.  
 Rouses Point and Malone, N. Y., by Act Feb. 17, 1905, c. 580, set forth ante, under chapter 1 of this Title.  
 Texas City, Tex., by Act Feb. 17, 1905, c. 582, set forth ante, under chapter 1 of this Title.  
 The privileges of the seventh section of the immediate transportation act are extended to the following ports:  
 Salt Lake City, Utah, by Act March 18, 1904, c. 715, § 1, set forth ante, under chapter 1 of this Title.  
 Utica, N. Y., by Act March 24, 1904, c. 815, set forth ante, under chapter 1 of this Title.  
 Dayton, Ohio, by Act April 12, 1904, c. 1246, set forth ante, under chapter 1 of this Title.  
 Peoria, Ill., by Act April 27, 1904, c. 1627, set forth below.  
 Coal City, Ill., by Act April 28, 1904, c. 1825, set forth ante, under chapter 1 of this Title.  
 Gloucester, Mass., by Act March 1, 1905, c. 1300, set forth below.

#### **ACT JULY 1, 1902, c. 1359.**

An Act Relating to Transportation of Dutiable Merchandise Through Subports of Tacoma and Seattle, State of Washington. (32 Stat. 636.)

##### **Tacoma and Seattle.**

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington.

Act July 1, 1902, c. 1359, 32 Stat. 636.

#### **ACT DEC. 23, 1902, c. 11.**

An Act to Make Wilmington, North Carolina, a Port through Which Merchandise may be Imported for Transportation without Appraisement. (32 Stat. 760.)

##### **Wilmington.**

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Wilmington, North Carolina.

Act Dec. 23, 1902, c. 11, 32 Stat. 760.

#### **ACT MARCH 2, 1903, c. 982.**

An Act to Extend to the Port of Niagara Falls, New York, the Privileges of the Act Approved June Tenth, Eighteen Hundred and Eighty, Governing the Immediate Transportation of Dutiable Merchandise without Appraisement. (32 Stat. 955.)

##### **Niagara Falls.**

Be it enacted, &c., That the privileges of the Act approved Ju

tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and they are hereby, extended to the port of Niagara Falls, New York.

Act March 2, 1903, c. 982, 32 Stat. 955.

**ACT APRIL 27, 1904, c. 1627. [S. 5369.]**

An Act to Extend to Peoria, Illinois, the Privileges of the Seventh Section of the Act of Congress Approved June Tenth, Eighteen hundred and eighty, Governing the Immediate Transportation of Merchandise without Appraisement. (33 Stat. 362.)

**Peoria.**

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to Peoria, Illinois, a port of delivery in the customs district of Indiana and Illinois.

Act April 27, 1904, c. 1627, 33 Stat. 362.

**ACT MARCH 1, 1905, c. 1300. [H. R. 17353.]**

An Act to Make Gloucester, Massachusetts, a Port to which Merchandise may be Imported without Appraisement. (33 Stat. 822.)

**Gloucester.**

Be it enacted, &c., That the privileges of section seven of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Gloucester, Massachusetts.

Act March 1, 1905, c. 1300, 33 Stat. 822.

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## CHAPTER NINE.

### Drawback.

#### Sec. 3015.

##### Allowance of drawback.

Drawback of duties paid on materials used in the manufacture of articles manufactured or produced in the United States, on the shipment of said articles to the Philippine Archipelago, and of duties paid on merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, on shipment to the Philippine Islands within three years from the date of the original arrival, is provided for by Act March 8, 1902, c. 140, §§ 6, 7, ante, under chapter 7 of this Title.

## CHAPTER ELEVEN.

## Provisions Applying to Commerce with Contiguous Countries.

## Sec. 3095.

[Amended. Act April 27, 1904, c. 1625.]

This section is amended by Act April 27, 1904, c. 1625, to read as set forth below.

**ACT APRIL 27, 1904, c. 1625. [S. 2816.]**

An Act to Amend Section Three thousand and ninety-five of Revised Statutes of the United States, Relating to Manner of Importation. (33 Stat. 362.)

**Amendment of Rev. St. § 3095.**

Be it enacted, &c., That section three thousand and ninety-five of Revised Statutes is hereby amended so as to read as follows:

**Manner of importation.**

"Sec. 3095. Except in the districts on the northern, northwestern and western boundaries of the United States, adjoining to the Dominion of Canada or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than thirty net register tons, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such vessels and of the merchandise imported therein, laden or unladen in any other manner."

Act April 27, 1904, c. 1625, § 1, 33 Stat. 362.

Rev. St. § 3095, amended by this act, is set forth in Comp. St. 1901, p. 2025.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect one month after its passage.

Act April 27, 1904, c. 1625, § 2, 33 Stat. 362.



# TITLE XXXV.

## INTERNAL REVENUE.

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### CHAPTER ONE.

#### Officers of Internal Revenue.

#### Sec. 3152. [*As amended 1879.*]

##### **Internal revenue agents.**

The compensation of internal revenue agents, which by Rev. St. § 3152, Comp. St. 1901, p. 2047, was to be such as the Commissioner of Internal Revenue might deem proper, is limited by a provision of Act April 17, 1900, c. 192, § 1, set forth below.

#### **ACT JULY 7, 1884, c. 331, § 1.**

##### **Limitation of number of agents.**

The number of internal revenue agents authorized under Rev. St. § 3152, and the provisions of Act July 7, 1884, c. 331, § 1, and Act June 13, 1898, c. 448, § 3, set forth in Comp. St. 1901, pp. 2048, 2049, is affected by the provisions of the appropriation acts for subsequent years, Act April 28, 1902, c. 594, § 1, Act Feb. 25, 1903, c. 755, § 1, Act March 18, 1904, c. 716, § 1, and Act Feb. 3, 1905, c. 297, § 1, set forth below.

The limitation of the number of internal revenue agents imposed by the provision of Act July 7, 1884, c. 331, § 1, set forth in Comp. St. 1901, p. 2048, is modified, at least temporarily, by provisions of Act April 28, 1902, c. 594, § 1, and subsequent acts, set forth below.

#### **ACT JUNE 13, 1898, c. 448, § 3.**

[Superseded. Act April 28, 1902, c. 594, § 1.]

The provisions of this section and of section 47 of this act, set forth in Comp. St. 1901, pp. 2048, 2245, for additional internal revenue agents, are superseded by the provisions of Act April 28, 1902, c. 594, § 1, and other subsequent acts, set forth below.

#### **ACT APRIL 17, 1900, c. 192, § 1.**

##### **Compensation of agents.**

\* \* That the compensation of the chief of the internal-revenue agents shall not exceed ten dollars per day, and of the other agents not exceeding seven dollars per day each; and for per diem in lieu of subsistence, when absent on duty from their legal residence, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding three dollars per day: \* \*

Act April 17, 1900, c. 192, § 1, 31 Stat. 107.

This is a proviso annexed to an appropriation for salaries and ex-

penses of agents, etc., in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1901, cited above.

The limitation imposed by this provision on the per diem to be allowed to agents is extended, as to agents assigned to the duty of examining accounts of collectors, by a provision of Act Feb. 3, 1905, c. § 1, set forth below.

**ACT APRIL 28, 1902, c. 594, § 1.**

**Additional agents.**

\* \* And for salaries and expenses of twenty additional internal revenue agents to be appointed and employed by the Commissioner of Internal Revenue, and these twenty agents to be in lieu of the agents provided for and appointed under the provisions of sections three and four and seven of the act of June thirteenth, eighteen hundred and ninety-eight providing for war revenue expenditures and other purposes, and that to be the only internal revenue agents employed in addition to those provided for in section three thousand one hundred and fifty-two of the Revised Statutes. The existing provisions of law with regard to internal revenue agents shall apply to the duties, compensation, and expenses of these twenty additional agents, \* \*.

Act April 28, 1902, c. 594, § 1, 32 Stat. 142. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 877.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, repeated in the same act for the fiscal year ending June 30, 1904, cited above.

Similar appropriations in subsequent years provide for continuing salaries and expenses of twenty additional internal revenue agents for the fiscal year 1905, and for salaries and expenses of forty revenue agents provided for by law, for the fiscal year 1906. Act March 3, 1904, c. 716, § 1. Act Feb. 3, 1905, c. 297, § 1, set forth below.

**ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]**

**Additional agents.**

\* \* For continuing salaries and expenses of twenty additional internal-revenue agents appointed and employed by the Commissioner of Internal Revenue, the employment of this force being made necessary by the increased collections of internal revenue. The existing provisions of law with regard to internal-revenue agents shall apply to the duties, compensation, and expenses of these twenty additional agents. \* \*.

Act March 18, 1904, c. 716, § 1, 33 Stat. 106.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

The corresponding provision for the year next following, by Act Feb. 3, 1905, c. 297, § 1, is set forth below.

**ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]**

**Compensation of agents.**

For salaries and expenses of forty revenue agents provided for by law. \* \*: Provided, That internal-revenue agents assigned to the duty of examining the accounts of collectors of internal revenue shall receive for per diem in lieu of subsistence, when absent from their legal residences on duty, a sum, to be fixed by the Commissioner

Internal Revenue, approved by the Secretary of the Treasury, not to exceed four dollars.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 652.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

Previous provisions relating to per diem to be allowed to internal revenue agents, contained in Act April 17, 1900, c. 192, § 1, are set forth above.

### **Sec. 3153.**

#### **Storekeepers and their salaries.**

The officer holding the combined office of storekeeper and gauger is denominated storekeeper-gauger, and his compensation is prescribed by Act June 28, 1902, c. 1312, set forth below.

### **Sec. 3156.**

#### **Gaugers.**

The officer holding the combined office of storekeeper and gauger is denominated storekeeper-gauger, and his compensation is prescribed by Act June 28, 1902, c. 1312, set forth below.

### **Sec. 3157.**

#### **ACT AUG. 15, 1876, c. 287, § 1.**

#### **Limit of compensation of storekeepers and gaugers; performance of duties by one officer.**

The officer holding the combined office of storekeeper and gauger is denominated storekeeper-gauger, and his compensation is prescribed by Act June 28, 1902, c. 1312, set forth below.

#### **ACT AUG. 27, 1894, c. 349, § 64.**

#### **Duties of officer acting as storekeeper and gauger; bond.**

The officer holding the combined office of storekeeper and gauger is denominated storekeeper-gauger, and his compensation is prescribed by Act June 28, 1902, c. 1312, set forth below.

#### **ACT JUNE 28, 1902, c. 1312.**

An Act to Amend the Internal-Revenue Laws in Regard to Storekeepers and Gaugers. (32 Stat. 492.)

#### **Storekeeper and gauger denominated storekeeper-gauger; compensation.**

Be it enacted, &c., That the internal-revenue officer holding the combined office of storekeeper and gauger shall hereafter be known and denominated as a storekeeper-gauger, and when performing the combined duties of storekeeper-gauger, or when assigned by the Commissioner of Internal Revenue to perform the duties of a storekeeper only at any distillery, or at any general or special bonded warehouse, he shall receive for his services the compensation of storekeeper only; but when assigned by the Commissioner of Internal Revenue to perform the duties of gauger only, under the internal-

revenue laws, as provided by those laws, he shall receive only compensation for his services and the traveling expenses which allowed by law to United States gaugers.

Act June 28, 1902, c. 1312, 32 Stat. 492.

Previous provisions for the performance of the duties of storekeeper and gauger by one officer are contained in Act Aug. 15, 1876, c. 287, Comp. St. 1901, p. 2050, and provisions relating to the compensation of such officers are set forth in Comp. St. 1901, pp. 2048-2053.

## Sec. 3163.

### **Duties of collectors and agents; power of Commissioner.**

The authority, power, and jurisdiction, in relation to the exclusion from residence within the United States, of Chinese, vested by law in the collectors of internal revenue, are conferred upon such officers under the control of the Commissioner-General of Immigration by the Secretary of Commerce and Labor may designate therefor, by provisions of Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "Department of Commerce and Labor."

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## CHAPTER THREE.

### **Special Taxes.**

## Sec. 3232.

### **Trade or business not to be carried on until tax paid.**

Rev. St. §§ 3232-3241, 3243, so far as applicable, are made to extend and include and apply to special taxes imposed by Act Aug. 2, 1886, c. 840, § 3, on manufacturers of and dealers in oleomargarine, by provisions of that section set forth in Comp. St. 1901, p. 2229, and to special taxes imposed by Act May 9, 1902, c. 784, § 4, on manufacturers of and dealers in process or renovated butter or adulterated butter, by similar provisions of that section, set forth post, under chapter 7 B of this Title.

## Sec. 3244.

### **Special taxes imposed on whom.**

The special taxes mentioned in various notes under this section in Comp. St. 1901, pp. 2099, 2100, as imposed on dealers in and manufacturers of tobacco and manufacturers of cigars by Act June 13, 1896, c. 448, § 4, Comp. St. 1901, p. 2290, and on bankers, brokers, pawnbrokers, customs-house brokers, proprietors of theaters, museums, and concert halls, proprietors of circuses, proprietors of unenumerated exhibitions, and proprietors of bowling alleys and billiard rooms, by section 2 of the same act, Comp. St. 1901, p. 2286, are abrogated, by the repeal of those sections by Act April 12, 1902, c. 500, post, under chapter 11 A of this Title.

## CHAPTER FOUR.

## Distilled Spirits.

## Sec. 3296.

**ACT AUG. 27, 1894, c. 349, § 50.**

**Regauging at warehouse; allowance for loss.**

The allowance for loss as to distilled spirits deposited in warehouse prior to Jan. 1, 1899, by Act March 3, 1899, c. 435, Comp. St. 1901, p. 2147, under the conditions and limitations of this section, is extended to all distilled spirits in internal revenue bonded warehouses, or afterwards produced and deposited therein, by Act Jan. 13, 1903, c. 134, set forth below.

**ACT MARCH 3, 1899, c. 435, § 1.**

**Allowance for loss of spirits deposited in warehouse.**

The allowance for loss authorized by this section is extended to all distilled spirits in internal revenue bonded warehouses, or afterwards produced and deposited therein, by Act Jan. 13, 1903, c. 134, set forth below.

**ACT JAN. 13, 1903, c. 134.**

An Act to Amend the Internal-Revenue Laws. (32 Stat. 770.)

**Allowance for loss of spirits deposited in warehouse, extended.**

Be it enacted, &c., That all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January first, eighteen hundred and ninety-nine, and subject to the same conditions and limitations.

Act Jan. 13, 1903, c. 134, 32 Stat. 770.

The allowance for loss of spirits deposited in warehouse prior to Jan. 1, 1899, mentioned in this section as existing, was authorized by Act March 3, 1899, c. 435, Comp. St. 1901, p. 2147.

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CHAPTER FIVE.

## Fermented Liquors.

## Sec. 3339,

**Tax on fermented liquors; fractional parts of a barrel, how estimated.**

The tax on fermented liquors, imposed by this section, increased by the war revenue act, Act June 13, 1898, c. 448, § 1, to \$2 a barrel, and afterwards reduced by an amendment of that act by Act March 2, 1901, c. 806, § 1, to \$1.60 a barrel, as stated in the note under this section in Comp. St. 1901, p. 2187, is again reduced to \$1 a barrel, and a like rate for any other quantity or for any fractional part of a barrel, as author-

ized and defined by this section, by a further amendment of Act June 13, 1898, c. 448, § 1, by Act April 12, 1902, c. 500, § 1, post, under chapter 11 A of this Title.

## CHAPTER SIX.

### Tobacco and Snuff.

#### Sec. 3362. [*As amended 1877, 1879, 1883.*]

[Amended. Act July 1, 1902, c. 1371, § 1.]

This section, as previously amended, is further amended by Act July 1, 1902, c. 1371, § 1, by striking out all after the fifth paragraph thereof, being all the provisions beginning with the words, "And every such wooden package," and inserting in lieu thereof the provisions set forth below.

#### ACT JULY 1, 1902, c. 1371.

An Act to Amend Sections Thirty-Three Hundred and Sixty-Two and Thirty-Three Hundred and Ninety-Four of the Revised Statutes of the United States, Relating to Tobacco. (32 Stat. 714.)

#### Amendment of Rev. St. § 3362; tobacco and snuff, how put up.

Be it enacted, &c., That section thirty-three hundred and sixty-two of the Revised Statutes, as amended by the Act of March first, eighteen hundred and seventy-nine, and by the Act of January ninth, eighteen hundred and eighty-three, be, and the same is hereby, amended by striking out all after the fifth paragraph thereof, and inserting in lieu of the words so stricken out the following:

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: Provided, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: And provided further, That perique tobacco, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: And provided further, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars under such regulations as the Commissioner of Internal Revenue may establish."

Act July 1, 1902, c. 1371, § 1, 32 Stat. 714.

Rev. St. § 3362, mentioned in and further amended by this section, is set forth as amended by previous acts in Comp. St. 1901, p. 2200.

#### Sec. 2. [Amends Rev. St. § 3394.]

This section further amends Rev. St. § 3394, and is set forth post, under chapter 7 of this Title.

**Sec. 3368.****ACT OCT. 1, 1890, c. 1244, § 30.****Tax on tobacco and snuff.**

The tax on tobacco and snuff, imposed by this section, changed by the war revenue act, Act June 13, 1898, c. 448, § 3, and by the amendment of that act by Act March 2, 1901, c. 806, § 3, as stated in the note under this section in Comp. St. 1901, p. 2203, is again changed by a further amendment of Act June 13, 1898, c. 448, § 3, by Act April 12, 1902, c. 500, § 2, post, under chapter 11 A of this Title.

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**CHAPTER SEVEN.****Cigars.****Sec. 3387.** [*As amended 1879, 1890.*]**Manufacturer's statement and bond.**

The special taxes on manufacturers of cigars imposed by the war revenue act, Act June 13, 1898, c. 448, § 4, as stated in the note under this section in Comp. St. 1901, p. 2218, are abrogated by the repeal of that section by Act April 12, 1902, c. 500, § 5, post, under chapter 11 A of this Title.

**Sec. 3394.** [*As amended 1875, 1897.*]

[Amended. Act July 1, 1902, c. 1371, § 2.]

The last paragraph of this section, as previously amended, is further amended by Act July 1, 1902, c. 1371, § 2, to read as set forth below.

The tax on cigars and cigarettes, changed by the amendment of the war revenue act, Act June 13, 1898, c. 448, § 3, by Act March 2, 1901, c. 806, § 3, as stated in the note under this section in Comp. St. 1901, p. 2221, is re-enacted in the further amendment of Act June 13, 1898, c. 448, § 3, by Act April 12, 1902, c. 500, § 3, post, under chapter 11 A of this Title.

**ACT JULY 1, 1902, c. 1371, § 2.****Amendment of Rev. St. § 3394; tax on cigars and cigarettes.**

Sec. 2. That the last paragraph of section thirty-three hundred and ninety-four of the Revised Statutes, as amended by the tenth section of the Act of July twenty-fourth, eighteen hundred and ninety-seven, is hereby further amended so as to read as follows:

"No packages of manufactured tobacco, snuff, cigars, or cigarettes, prescribed by law, shall be permitted to have packed in, or attached to, or connected with, them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share or interest in, or dependent upon, the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties

and punishments provided by section thirty-four hundred and fifty-six of the Revised Statutes."

Act July 1, 1902, c. 1371, § 2, 32 Stat. 715.

Section 1 of this Act, which amends Rev. St. § 3362, is set forth ante, under chapter 6 of this Title.

Rev. St. § 3394, mentioned in and further amended by this section, is set forth, as amended by previous acts, in Comp. St. 1901, p. 2221.

Rev. St. § 3456, also mentioned in this section, is set forth in Comp. St. 1901, p. 2280.

## [CHAPTER SEVEN B.]

### [Oleomargarine, Adulterated Butter, and Process or Renovated Butter.]

**ACT AUG. 2, 1886, c. 840, §§ 1, 3, 8.**

**Butter, definition of.**

The definition of the word "butter," in section 1 of this act, is adopted, and the terms "adulterated butter," "process butter," and "renovated butter" are defined, for the purposes of Act May 9, 1902, c. 784, amending this act, by section 4 of that act, set forth below.

Provisions similar to those relating to manufacturers of and dealers in oleomargarine and to the manufacture and sale of oleomargarine, contained in sections 3-8 of this act, are enacted, applying to manufacturers of and dealers in, and to the manufacture and sale of process or renovated butter and adulterated butter, and the provisions of sections 9-21 of this act apply to manufacturers of adulterated butter, to an extent necessary to enforce the marking, etc., and the regulation of the exportation and importation of adulterated butter, by Act May 9, 1902, c. 784, § 4, set forth below.

**Special taxes; manufacturers; wholesale dealers; retail dealers.**

Section 3 of this act is amended by Act May 9, 1902, c. 784, § 2, by adding at the end of the first clause thereof, and at the end of the section, further provisions, set forth below.

Special taxes are imposed also on manufacturers of and dealers in process or renovated butter or adulterated butter by Act May 9, 1902, c. 784, § 4, set forth below.

**Tax on oleomargarine.**

Section 8 of this act is amended by Act May 9, 1902, c. 784, § 3, to read as set forth in that section, below.

**ACT OCT. 1, 1890, c. 1244, § 41.**

[Superseded. Act May 9, 1902, c. 784, § 6.]

This section is superseded by the more comprehensive provisions relating to wholesale dealers in oleomargarine, or process, renovated, or adulterated butter, contained in Act May 9, 1902, c. 784, § 6, set forth below.

**ACT MAY 9, 1902, c. 784.**

**An Act to Make Oleomargarine and Other Imitation Dairy Products Subject to the Laws of any State, or Territory or the Dis-**



strict of Columbia into Which They are Transported, and to Change the Tax on Oleomargarine, and to Impose a Tax, Provide for the Inspection, and Regulate the Manufacture and Sale of Certain Dairy Products, and to Amend an Act Entitled "An Act Defining Butter, also Imposing a Tax Upon and Regulating the Manufacture, Sale, Importation, and Exportation of Oleomargarine," Approved August Second, Eighteen Hundred and Eighty-Six. (32 Stat. 193.)

Be it enacted, etc. [Sec. 1 relates to exercise of police powers of States, etc., over oleomargarine, butterine, imitation, etc., butter, or imitation cheese, transported into the State, etc.]

This section declares that all articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese, not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, transported into any State, etc., and remaining therein for use, consumption, sale, or storage therein, shall be subject to the laws of such State, etc., enacted in the exercise of its police powers, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise. It is set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2.

**Amendment of Act Aug. 2, 1886, c. 840, § 3; special taxes; manufacturers of, and wholesale dealers and retail dealers in oleomargarine.**

Sec. 2. That the first clause of section three of an Act entitled "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six, be amended by adding thereto after the word "oleomargarine," at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said Act, and subject to the provisions thereof."

Section three of said Act is hereby amended by adding thereto the following: "Provided further, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of one per cent per pound is imposed by this Act, as amended, shall pay two hundred dollars; and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this Act, as amended, a tax of one-fourth of one cent per pound shall pay six dollars."

Act May 9, 1902, c. 784, § 2, 32 Stat. 194.

Act Aug. 2, 1886, c. 840, § 3, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2229. The amendment consists in the addition of the provisions set forth here.

**Amendment of Act Aug. 2, 1886, § 8.**

Sec. 3. That section eight of an Act entitled "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, SUPP. '05—28

importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six, be, and the same is hereby, amended so as to read as follows:

**Tax on oleomargarine.**

"Sec. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: Provided, When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of one cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

Act May 9, 1902, c. 784, § 8, 32 Stat. 104.

Act Aug. 2, 1886, c. 840, § 8, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2231. The amendment consists in an increase of the tax from two cents to ten cents per pound, and the insertion of the provisions relating to the tax on oleomargarine, free from artificial coloration, of one-fourth of 1 cent per pound.

**Butter, adulterated butter, and process or renovated butter, definition of; special taxes; manufacturers of and wholesale dealers and retail dealers in process or renovated butter or adulterated butter; carrying on business without paying tax; regulations for and bonds of manufacturers; packages of adulterated butter, sales therefrom, and label and notice thereon; tax on adulterated butter and on process or renovated butter, and stamps; provisions relating to oleomargarine applicable.**

Sec. 4. That for the purpose of this Act "butter" is hereby defined to mean an article of food as defined in "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six; that "adulterated butter" is hereby defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream; that "process butter" or "renovated butter" is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by this Act.

That special taxes are imposed as follows:

Manufacturers of process or renovated butter shall pay fifty dollars per year and manufacturers of adulterated butter shall pay six hundred dollars per year. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Wholesale dealers in adulterated butter shall pay a tax of four hundred and eighty dollars per annum, and retail dealers in adulterated butter shall pay a tax of forty-eight dollars per annum. Every person who sells adulterated butter in less quantities than ten pounds at one time shall be regarded as a retail dealer in adulterated butter.

Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

That every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each offense.

That every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five hundred dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe;

and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as above described, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars and be imprisoned not more than two years.

That every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such label to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined fifty dollars for each package in respect to which such offense is committed.

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of one cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

That the provisions of sections nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one of "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six, shall apply to manufacturers of "adulterated butter" to

an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

Act May 9, 1902, c. 784, § 4, 32 Stat. 194.

Act Aug. 2, 1886, c. 840, mentioned in this section as defining butter, is set forth in Comp. St. pp. 2228-2235. Many of the provisions of sections 3-8 of that act, relating to manufacturers of and dealers in oleomargarine and to the manufacture and sale of oleomargarine, are similar to those of this section, and sections 9-21 thereof are made applicable to manufacturers of adulterated butter by this section.

Rev. St. §§ 3232-3241, 3243, also mentioned in this section and made applicable to the special taxes imposed by it, are set forth in Comp. St. 1901, pp. 2090-2096.

**Inspection of process or renovated butter and sanitary inspection of factories, etc.; marks, etc., on packages; regulations and investigations; violations of provisions punishable.**

Sec. 5. All parts of an Act providing for an inspection of meats for exportation, approved August thirtieth, eighteen hundred and ninety, and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March third, eighteen hundred and ninety-one, and of amendment thereto approved March second, eighteen hundred and ninety-five, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not less than one month

nor more than six months, or by both said punishments, in the discretion of the court.

Act May 9, 1902, c. 784, § 5, 32 Stat. 196.

Act Aug. 30, 1890, c. 839, Act March 3, 1891, c. 555, and Act March 3, 1895, c. 169, mentioned in this section, are set forth in Comp. St. 1901, 3185-3192.

**Books of wholesale dealers in oleomargarine, process, renovated, adulterated butter; inspection of books; violations of provisions punishable.**

Sec. 6. That wholesale dealers in oleomargarine, process, renovated, or adulterated butter shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall on each such offense be fined not less than fifty dollars and not exceeding five hundred dollars, and imprisoned not less than thirty days nor more than six months.

Act May 9, 1902, c. 784, § 6, 32 Stat. 197.

This section supersedes Act Oct. 1, 1890, c. 1244, § 41, Comp. St. 1901, p. 2235, which contained provisions relating to wholesale dealers in oleomargarine only, similar to a part of the provisions of this section.

**Time of taking effect of act.**

Sec. 7. This Act shall take effect on the first day of July, nineteen hundred and two.

Act May 9, 1902, c. 784, § 7, 32 Stat. 197.

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## [CHAPTER SEVEN C.]

### [Filled Cheese.]

**ACT JUNE 6, 1896, c. 337, § 1.**

**Cheese, definition of.**

Imitation cheese or any substance in the semblance of cheese not a product of the dairy, and not made exclusively of pure and unadulterated milk or cream, transported into any State, etc., and remaining therein for use, consumption, sale, or storage therein, is subject to the laws of such State, etc., enacted in the exercise of its police powers, and is exempt therefrom by reason of being introduced in original packages, otherwise, by provisions of Act May 9, 1902, c. 784, § 1, post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2.

## [CHAPTER SEVEN D.]

### [Mixed Flour.]

**ACT JUNE 13, 1898, c. 448, §§ 35, 47.**

Sec. 35. [Amended. Act April 12, 1902, c. 500, § 9.]

This section is amended by Act April 12, 1902, c. 500, § 9, set forth below.

Sec. 47. [Superseded in part. Act Feb. 25, 1903, c. 755, § 1.]

The provisions of this section for employment of additional agents are superseded by provisions for appointment of twenty additional internal revenue agents, to be in lieu of the agents provided for in section 3 of this act, set forth in Comp. St. 1901, p. 2288, and in this section, and to be the only internal revenue agents employed in addition to those provided for in Rev. St. § 3152, which are contained in Act Feb. 25, 1903, c. 755, § 1, ante, under chapter 1 of this Title.

**ACT APRIL 12, 1902, c. 500, § 9.**

**Amendment of Act June 13, 1898, c. 448, § 35.**

Sec. 9. That section thirty-five of said Act of June thirteenth, eighteen hundred and ninety-eight, and the amendments thereof, be amended so as to read as follows:

#### **Mixed flour, definition of.**

"Sec. 35. That for the purposes of this Act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, and not the product of any grain, as is commonly used for baking purposes: Provided, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this Act."

Act April 12, 1902, c. 500, § 9, 32 Stat. 99.

This section is part of an act to repeal war revenue taxation, and for other purposes, cited above, other sections of which are set forth or referred to under chapter 11 A of this Title.

Act June 13, 1898, c. 448, § 35, as amended by Act March 2, 1901, c. 806, § 13, mentioned in and further amended by this section, is set forth in Comp. St. 1901, p. 2241. The amendment by this act consists in the omission, after the words "except such material," of the words "not exceeding five per centum in quantity," contained in the section as amended by Act March 2, 1901, c. 806, § 13.

## CHAPTER EIGHT.

### **Banks and Bankers.**

#### **Sec. 3408.**

The special taxes imposed on bankers by the war revenue act, Act June 13, 1898, c. 448, § 2, and the amendment thereto by Act March 2, 1901, c. 806, § 2, as stated in the note under this section in Comp. St. 1901, p. 2247, are abrogated by the repeal of that section by Act April 12, 1902, c. 500, § 2, post, under chapter 11 A of this Title.

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## CHAPTER NINE.

### **Stamp-Taxes on Specific Objects.**

#### **Secs. 3418, 3419.**

The stamp-taxes on checks, drafts, and other instruments and documents, and on medicinal proprietary articles, perfumery, etc., imposed by the war revenue act, Act June 13, 1898, c. 448, § 6, and the act amendatory thereof, Act March 2, 1901, c. 806, § 5, as stated in the notes under this section in Comp. St. 1901, pp. 2252, 2253, are abrogated by the repeal of those provisions by Act April 12, 1902, c. 500, § 7, post, under chapter 11 A of this Title.

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## CHAPTER TEN.

### **Legacies and Successions.**

#### **Sec. 3438.**

##### **Tax on legacies, etc.**

The tax on legacies and distributive shares of personalty imposed by the war revenue act, Act June 13, 1898, c. 448, §§ 29, 30, and the act amendatory thereof, Act March 2, 1901, c. 806, § 11, as stated in the note under this section in Comp. St. 1901, p. 2269, is abrogated by the repeal of section 29 of said Act June 13, 1898, c. 448, by Act April 12, 1902, c. 500, § 7, post, under chapter 11 A of this Title.



## CHAPTER ELEVEN.

## Provisions Common to Several Objects of Taxation.

## Sec. 3444.

ACT MARCH 3, 1893, c. 208.

**Annual statement of miscellaneous expenditures, etc.**

The provision of this act set forth in Comp. St. 1901, p. 2273, is repeated in the same language in the sundry civil appropriation acts for the subsequent years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1167.

## Sec. 3446.

ACT MAY 12, 1900, c. 393, § 1.

[Amended. Act June 30, 1902, c. 1327.]

This section is amended, by the addition to the second proviso of an exception thereto, by Act June 30, 1902, c. 1327, set forth below.

Bank checks and other instruments for the payment of money, upon which stamps have been imprinted, and which, on repeal of the taxes thereon, have been filed for redemption of such stamps, may be returned to the owners, after redemption and cancellation of the stamps, by Res. Feb. 26, 1902, No. 7, set forth below.

RES. FEB. 26, 1902, No. 7.

Joint Resolution Authorizing the Commissioner of Internal Revenue to Return Bank Checks, Drafts, Certificates of Deposit, and Orders for the Payment of Money, Having Imprinted Stamps thereon, to the Owners thereof, and for Other Purposes. (32 Stat. 736.)

**Preamble.**

Whereas by the Act of Congress approved March second, nineteen hundred and one, entitled "An Act to amend an Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes,' approved June thirteenth, eighteen hundred and ninety-eight, and to reduce taxation thereunder," the internal-revenue tax imposed upon bank checks, drafts, or certificates of deposit not drawing interest, or orders for the payment of any sum of money drawn upon or issued by any bank, trust company, or any person or persons, companies or corporations, at sight or on demand, was repealed on and after July first, nineteen hundred and one; and

Whereas many thousands of bank checks, drafts, certificates of deposit, and orders for the payment of money, have been imprinted with the necessary stamp and were unused on July first, nineteen hundred and one; and

Whereas the Commissioner of Internal Revenue is authorized to redeem stamps imprinted on said instruments, and which instruments

are required by existing laws to be filed with the claims for said redemption of said stamps; and

Whereas the owners of same are extremely desirous that said checks, drafts, and other papers above mentioned should be returned to them after the cancellation of the stamps imprinted thereon: Now, therefore,

**Return to owners of instruments having stamps imprinted thereon after redemption and cancellation of stamps.**

Resolved, &c., That the Commissioner of Internal Revenue be, and he is hereby, authorized to return said imprinted instruments to the owner or owners thereof, where said return is demanded, within one year after the passage of this Act, after the redemption and cancellation of stamps imprinted thereon; and said cancellation and return to owner or owners shall be made in such manner and under such regulations as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. All such checks, drafts, and so forth, remaining unclaimed by the owner at the expiration of one year after the passage of this Act shall be destroyed in such manner as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury.

Res. Feb. 26, 1902, No. 7, 32 Stat. 736.

The provision of Act March 2, 1901, c. 806, mentioned in this section, which amended Act June 13, 1898, c. 448, by repealing the tax on bank checks, etc., is incorporated in Schedule A of the act so amended, set forth in Comp. St. 1901, pp. 2300-2305.

**ACT JUNE 30, 1902, c. 1327.**

An Act to Amend the Act of May Twelfth, Nineteen Hundred and One, Authorizing the Commissioner of Internal Revenue to Redeem or Make Allowance for Internal-Revenue Stamps. (32 Stat. 506.)

**Amendment of Act May 12, 1900, c. 393, § 1; redemption of spoiled stamps.**

Be it enacted, &c., That the Act entitled "An Act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps," approved May twelfth, nineteen hundred and one, be amended by adding to the second proviso the following: "Excepting documentary and proprietary stamps issued under the Act of June thirteenth, eighteen hundred and ninety-eight, which stamps may be redeemed as hereinbefore authorized, upon presentation prior to the first day of July, nineteen hundred and four," so that said proviso shall read as follows: "Provided further, That no claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of said stamps from the Government, excepting documentary and proprietary stamps issued under the Act of June thirteenth, eighteen hundred and ninety-eight, which stamps may be redeemed as hereinbefore authorized upon presentation prior to the first day of July, nineteen hundred and four."

Act June 30, 1902, c. 1327, 32 Stat. 506.

Act May 12, 1900, c. 393, § 1, mentioned in and amended by this Act, is set forth in Comp. St. 1901, p. 2276.

## [CHAPTER ELEVEN A.]

### [War Revenue.]

**ACT JUNE 13, 1898, c. 448, §§ 1-6, 12, 18, 20-25, Schedules A, B, §§ 27-30.**

Secs. 1, 3, 5. [Amended. Act April 12, 1902, c. 500, §§ 1, 3, 6.]

These sections are amended by Act April 12, 1902, c. 500, §§ 1, 3, 6, set forth below.

Secs. 2, 4, 6, 12, 18, 20-25, Schedules A, B, secs. 27-29. [Repealed. Act April 12, 1902, c. 500, §§ 2, 5, 7.]

These sections are expressly repealed by Act April 12, 1902, c. 500, §§ 2, 5, 7, set forth below; but the taxes or duties imposed by section 29, before the taking effect of said repealing act, are subject to the provisions of section 30 of this act and amendments thereof.

Taxes accrued before the taking effect of the repealing act above mentioned, and since July 1, 1900, upon securities delivered or transferred to secure the future payment of money, which were included in paragraph 1 of Schedule A of this act, are remitted by Act June 27, 1902, c. 1160, § 4, set forth below.

Sums paid for documentary stamps used on export bills of lading, under paragraph 6 of Schedule A of this act, are to be refunded, by Act June 27, 1902, c. 1160, § 2, set forth below.

Taxes paid on legacies for religious, literary, charitable, or educational uses, or for the encouragement of art, or to societies for the prevention of cruelty to children, under section 29 of this act, are to be refunded, by Act June 27, 1902, c. 1160, § 1, set forth below.

Legacy taxes collected on contingent beneficial interests not vested prior to July 1, 1902, are to be refunded, and no tax is to be assessed on any such interests not vested prior to that date, by Act June 27, 1902, c. 1160, § 3, set forth below.

Bonds given, prior to November 20, 1901, upon shipment to the Philippine Islands of articles subject to internal revenue tax, with benefit of drawback, as allowed by Act June 13, 1898, c. 448, § 26, Comp. St. 1901, p. 2306, may be canceled as if given upon shipment to a foreign country, upon presentation of the evidence required, by Act April 28, 1904, c. 1826, 33 Stat. 574.

Sec. 30. [Re-enacted. Act April 12, 1902, c. 500, § 8.]

This section is continued in force as to taxes or duties imposed by section 29 of this act, prior to the taking effect of the repeal of section 29 by Act April 12, 1902, c. 500, § 7, by provisions of section 8 of that act, which re-enacts this section.

**ACT MARCH 2, 1901, c. 806, §§ 3, 4.**

Sec. 3. [Re-enacted. Act April 12, 1902, c. 500, § 3.]

The provisions of section 3 of this act are re-enacted in the same language, as part of Act April 12, 1902, c. 500, § 3, set forth below.

Sec. 4. [Repealed. Act April 12, 1902, c. 500, § 7.]

Section 4 of this act is expressly repealed by Act April 12, 1902, c. 500, § 7, set forth below.

**ACT APRIL 12, 1902, c. 500.**

An Act to Repeal War-Revenue Taxation, and for Other Purposes  
(32 Stat. 96.)

**Amendment of Act June 13, 1898, c. 448, § 1.**

Be it enacted, &c., That section one of the Act entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, as amended by the Act of March second, nineteen hundred and one, entitled "An Act to amend an Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes,' approved June thirteenth, eighteen hundred and ninety-eight, and to reduce taxation thereunder," be, and is hereby, further amended so to read as follows:

**Tax on fermented liquors; cancellation of stamps.**

"Section 1. That there shall be paid on all beer, lager beer, ale, pilsener, and other similar fermented liquor, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale within the United States, by whatever name such liquors may be called, in lieu of the tax now imposed by law, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel, authorized and defined by section thirty-three hundred and thirty-ninth of the Revised Statutes of the United States: Provided, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may, by regulations, prescribe."

Act April 12, 1902, c. 500, § 1, 32 Stat. 96.

Act June 13, 1898, c. 448, § 1, as amended by Act March 2, 1901, c. 806, § 1, mentioned in and further amended by this section, is set forth in Comp. St. 1901, p. 2286. The amendment consists, principally, in the reduction of the tax from \$1.60 to \$1.00 a barrel. Rev. St. § 3339, mentioned in this section, imposing the same tax and defining the fractional parts of a barrel for the purpose of computing the tax, is set forth in Comp. St. 1901, p. 2187.

**Repeal.**

Sec. 2. That section two of said Act of June thirteenth, eighteen hundred and ninety eight, and all amendments thereof, are hereby repealed.

Act April 12, 1902, c. 500, § 2, 32 Stat. 96.

Act June 13, 1898, c. 448, § 2, mentioned in and repealed by this section, is set forth in Comp. St. 1901, p. 2286. It imposed various special taxes.

**Amendment of Act June 13, 1898, c. 448, § 3.**

Sec. 3. That section three of said Act and amendments thereof be amended to read as follows:

**Tax on tobacco, snuff, cigars, and cigarettes.**

"Sec. 3. That upon tobacco and snuff manufactured and sold,

removed for consumption or use, there shall be levied and collected, in lieu of the tax now imposed by law, the following taxes:

"On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of six cents per pound. And snuff-flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

"On all chewing and smoking tobacco, fine cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of six cents per pound.

"That the internal-revenue tax on cigars or cigarettes weighing more than three pounds per thousand shall be three dollars per thousand; and the tax on cigars weighing not more than three pounds per thousand shall be eighteen cents per pound, and on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of not more than two dollars per thousand shall be eighteen cents per pound; and the tax on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of more than two dollars per thousand shall be thirty-six cents per pound; and all such cigars and cigarettes weighing not more than three pounds per thousand shall, for purposes of taxation, be held and considered as weighing three pounds.

"That in addition to the packages of smoking tobacco and snuff now authorized by law there shall be packages of one and two-thirds ounces, two ounces, two and one-half ounces, three ounces, three and one-third ounces, and four ounces; and there may be a package containing one ounce of smoking tobacco.

Act April 12, 1902, c. 500, § 3, 32 Stat. 96.

Act June 13, 1898, c. 448, § 3, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2288; and provisions of Act March 2, 1901, c. 806, §§ 3, 4, relating to the same subjects and operating as amendments of that section, are set forth in Comp. St. 1901, p. 2311. The amendment consists, principally, in a reduction of and the addition of other provisions relating to the tax on tobacco, snuff, etc. The provisions of Act March 2, 1901, c. 806, § 3, Comp. St. 1901, p. 2311, relating to the tax on cigars and cigarettes, are re-enacted in the same language in this section.

**Drawback or rebate of difference between higher tax paid on tobacco or snuff and rate of tax as reduced by act.**

Sec. 4. That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff held by manufacturers or dealers on July first, nineteen hundred and two, upon which there has been paid a higher tax than that provided for in the preceding section of this Act, there shall be allowed a drawback or rebate equal to the full amount of the difference between such higher tax and the tax imposed by this Act, after making the proper allowance for discounts

and rebates heretofore authorized, but the same shall not apply in any case where the claim has not been presented within sixty days after July first, nineteen hundred and two; and no claim shall be allowed or drawback paid for a less amount than ten dollars. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

Act April 12, 1902, c. 500, § 4, 32 Stat. 97.

An appropriation for the payment of drawback or rebate as provided in this section, with provisos annexed thereto extending the sixty days limit fixed in this section for presentation of claims, is contained in Act March 3, 1903, c. 1006, § 1, set forth below.

**Repeal of Act June 13, 1898, c. 448, § 4.**

Sec. 5. That section four of the Act of June thirteenth, eighteen hundred and ninety-eight, is hereby repealed.

Act April 12, 1902, c. 500, § 5, 32 Stat. 97.

Act June 13, 1898, c. 448, § 4, mentioned in and repealed by this section, is set forth in Comp. St. 1901, p. 2290. It imposed special taxes on dealers in and manufacturers of tobacco and manufacturers of cigars.

**Amendment of Act June 13, 1898, c. 448, § 5.**

Sec. 6. That section five of the Act of June thirteenth, eighteen hundred and ninety-eight, be amended to read as follows:

**Temporary use of old stamps.**

"Sec. 5. That until appropriate stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquors, tobacco, and snuff may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing such articles on which the tax imposed by this Act is paid. And any person having possession of unaffixed stamps heretofore issued for the payment of the tax upon fermented liquors, tobacco, and snuff shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this Act."

Act April 12, 1902, c. 500, § 6, 32 Stat. 97.

Act June 13, 1898, c. 448, § 5, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2291. The amendment consists in the substitution, for the words of the section as originally enacted, "tobacco, snuff, cigars and cigarettes," of the words, "tobacco, and snuff," as set forth here, in both places where those words occur.

**Repeal.**

Sec. 7. That section four of said Act of March second, nineteen hundred and one, and sections six, twelve, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, Schedule A, Schedule B, sections twenty-seven, twenty-eight, and twenty-nine of the Act of June thirteenth, eighteen hundred and ninety-eight, and all amendments of said sections and schedules be, and the same are hereby, repealed.

Act April 12, 1902, c. 500, § 7, 32 Stat. 97.

Act March 2, 1901, c. 806, § 4, and the various sections and schedules

of Act June 13, 1898, c. 448, and the amendments thereof, mentioned in and repealed by this section, are set forth in Comp. St. 1901, pp. 2291, 2294, 2297-2308. Section 18 of said Act June 13, 1898, included among the sections of this act which are mentioned as repealed by this section, was repealed previously by Act March 2, 1901, c. 806, § 14, Comp. St. 1901, p. 2312.

**Taxes on legacies, etc., imposed before repeal, subject to provisions as to lien, charge, collection, etc.; Act June 13, 1898, c. 448, § 30, continued in force.**

Sec. 8. That all taxes or duties imposed by section twenty-nine of the Act of June thirteenth, eighteen hundred and ninety-eight, and amendments thereof, prior to the taking effect of this Act, shall be subject, as to lien, charge, collection, and otherwise, to the provisions of section thirty of said Act of June thirteenth, eighteen hundred and ninety-eight, and amendments thereof, which are hereby continued in force, as follows:

“Sec. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators.



And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector a duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationships of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property, personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses in every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this Act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same on the request of the collector or deputy collector of the district, or any law officer of the United States, in the performance of his duty under this Act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay a sum of five hundred dollars: Provided, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth, that the requirements of the law had been complied with by the officers of the Government: And provided further, That in case of neglect, refusal, or false statement by such executor, administrator,



or trustee, as aforesaid, he shall be liable to a penalty of not exceeding one thousand dollars, to be recovered with costs of suit. Any tax paid under the provisions of sections twenty-nine and thirty shall be deducted from the particular legacy or distributive share on account of which the same is charged."

Act April 12, 1902, c. 500, § 8, 32 Stat. 97.

Act June 13, 1898, c. 448, § 29, mentioned in this section, and repealed by section 7 of this act, is set forth in Comp. St. 1901, p. 2307; and section 30 of that act, as amended by Act March 2, 1901, c. 806, § 11, which is continued in force by this section, is set forth in Comp. St. 1901, p. 2308.

**Sec. 9. [Amends Act June 13, 1898, c. 448, § 35.]**

This section, amending Act June 13, 1898, c. 448, § 35, is set forth ante, under chapter 7 D of this Title.

**Sec. 10. [Repeals Act June 13, 1898, c. 448, § 50.]**

This section, repealing Act June 13, 1898, c. 448, § 50, is set forth ante, under Title XXXIII, "Duties upon Imports."

**Time of taking effect of act.**

Sec. 11. That this Act, except as otherwise specially provided for in the preceding section, shall take effect July first, nineteen hundred and two.

Act April 12, 1902, c. 500, § 11, 32 Stat. 99.

**ACT JUNE 27, 1902, c. 1160.**

An Act to Provide for Refunding Taxes Paid upon Legacies and Bequests for Uses of a Religious, Charitable, or Educational Character, for the Encouragement of Art, and so Forth, under the Act of June Thirteenth, Eighteen Hundred and Ninety-Eight, and for Other Purposes. (32 Stat. 406.)

**Taxes paid on legacies for religious, literary, charitable, or educational uses, for encouragement of art, or to societies for prevention of cruelty to children, to be refunded.**

Be it enacted, &c., That the Secretary of the Treasury, under appropriate rules and regulations to be prescribed by him, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the corporations, associations, societies, or individuals as trustees or executors, such sums of money as have been paid by them as taxes upon bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or legacies or bequests to societies for the prevention of cruelty to children, under the provisions of section twenty-nine of the Act entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight.

Act June 27, 1902, c. 1160, § 1, 32 Stat. 406.

Act June 13, 1898, c. 448, § 29, mentioned in this section, is set forth in Comp. St. 1901, p. 2307. It is repealed by Act April 12, 1902, c. 500, § 7, set forth above.

**Sums paid for stamps used on export bills of lading, to be refunded.**

Sec. 2. That the Secretary of the Treasury, under rules and regu-

lations to be prescribed by him, be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, sums paid for documentary stamps used on export bills of lading, such stamps representing taxes which were illegally assessed and collected.

Act June 27, 1902, c. 1180, § 2, 32 Stat. 406.

Stamp taxes on bills of lading, mentioned in this section, were imposed by Act June 13, 1898, c. 448, §§ 6, 25, Schedule A, par. 6, Comp. St. 1901, p. 2304, repealed by Act April 12, 1902, c. 500, § 7, set forth above.

**Legacy taxes paid on contingent beneficial interests not vested prior to July 1, 1902, to be refunded; no tax to be assessed on such interests not then vested.**

Sec. 3. That in all cases where an executor, administrator, or trustee shall have paid, or shall hereafter pay, any tax upon any legacy or distributive share of personal property under the provisions of the Act approved June thirteenth, eighteen hundred and ninety-eight, entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," and amendments thereof, the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, upon proper application being made to the Commissioner of Internal Revenue under such rules and regulations as may be prescribed, so much of said tax as may have been collected on contingent beneficial interests which shall not have become vested prior to July first, nineteen hundred and two. And no tax shall hereafter be assessed or imposed under said Act approved June thirteenth, eighteen hundred and ninety-eight, upon or in respect of any contingent beneficial interest which shall not become absolutely vested in possession or enjoyment prior to said July first, nineteen hundred and two.

Act June 27, 1902, c. 1180, § 3, 32 Stat. 406.

Act June 13, 1898, c. 448, § 29, as amended by Act March 2, 1901, c. 806, § 10, mentioned in this section, is set forth in Comp. St. 1901, p. 2307. It is repealed by Act April 12, 1902, c. 500, § 7, set forth above.

**Taxes on securities for future payment of money, remitted.**

Sec. 4. That taxes which shall have accrued before the taking effect of the Act of April twelfth, nineteen hundred and two, entitled "An Act to repeal war-revenue taxation, and for other purposes," and since July first, nineteen hundred, upon securities delivered or transferred to secure the future payment of money, are hereby remitted.

Act June 27, 1902, c. 1180, § 4, 32 Stat. 407.

Stamp taxes on securities for the future payment of money, mentioned in this section, were imposed by Act June 13, 1898, c. 448, §§ 6, 25, Schedule A, par. 1, Comp. St. 1901, p. 2300, repealed by Act April 12, 1902, c. 500, § 7, set forth above.

**ACT MARCH 3, 1903, c. 1006, § 1.**

**Drawback or rebate of tax on tobacco or snuff; limit of time for presentation of claims extended.**

For the payment of drawback or rebate on original and unbroken factory packages of smoking and manufactured tobacco and snuff,

as provided in section four of "An Act to repeal war-revenue taxation, and for other purposes," approved April twelfth, nineteen hundred and two, one million three hundred and seventy thousand dollars, or so much thereof as may be necessary: Provided, That claims for rebates on tobacco and snuff as set out in section four of the Act of April twelfth, nineteen hundred and two, which were presented after the sixty days' limit therein specified shall be allowed and paid upon proper proof: Provided, That the tobacco and snuff on which such rebates are claimed were duly inventoried on July first, nineteen hundred and two, in accordance with the regulations of the Commissioner of Internal Revenue, but no such claims shall be paid unless presented prior to April first, nineteen hundred and three.

Act March 3, 1903, c. 1008, § 1, 32 Stat. 1040.

Act April 12, 1902, c. 500, § 4, mentioned in this section, is set forth above.

# TITLE XXXVI.

## DEBTS DUE BY OR TO THE UNITED STATES.

### Sec. 3481.

#### **Retention of money due States in default.**

Provisions for payment of claims of certain States contained in May 27, 1902, c. 887, 32 Stat. 235, require that on the settlement of any bonds or other evidences of debt of either of said States held by United States on any account whatever shall be credited as offset the United States.

### Sec. 3484.

#### **Payment for horses lost by capture.**

Payment of claims of artillery and cavalry officers and private soldiers of the Confederate Army for horses, etc., taken from them in violation of the terms of surrender, is provided for by Act Feb. 27, 1902, c. 34, set forth below.

#### **ACT FEB. 27, 1902, c. 34.**

An Act for the Relief of Parties for Property Taken from Them by Military Forces of the United States. (32 Stat. 43.)

#### **Payment for horses, side arms, and baggage taken from Confederate officers or soldiers, in violation of terms of surrender, authorized.**

Be it enacted, &c., That the Quartermaster-General is directed, under such rules and regulations as may be approved by the Secretary of War, to investigate, or cause to be investigated, the claims of artillery and cavalry officers and private soldiers of the Confederate army for horses, side arms, and baggage alleged to have been taken from them by Federal troops, at and after the surrender at Appomattox, acting under orders, in violation of the terms of surrender of the Confederate armies, and he shall, subject to the approval of the Secretary of War, issue his voucher to such persons as shall be shown by such investigation to be entitled thereto, which voucher shall be paid out of the money in the United States Treasury not otherwise appropriated. Provided, That the expenditures under this Act shall not exceed fifty thousand dollars.

Act Feb. 27, 1902, c. 34, § 1, 32 Stat. 43.

Claims under this act were required to be filed within one year from March 1, 1903, by a provision of Act March 3, 1903, c. 1006, § 1, set forth below; but the time for filing them is extended by a provision of Act April 27, 1904, c. 1630, § 1, also set forth below.

**Proof of claims; persons to whom payment is to be made in case of death of soldier.**

Sec. 2. That no claimant shall be entitled to or receive any voucher as herein provided unless he shall establish to the satisfaction of the Quartermaster-General that he, or the person through or from whom he asserts said claim, was paroled at the time of said surrender; that he had kept his parole in good faith; that he was the actual owner of the horses, side arms, and baggage for which he claims compensation; that such property was taken from him by troops of the United States acting under orders and in violation of the terms of the surrender under which he was paroled. And if the soldier has died since his parole was received, the sum he may be entitled to shall be paid to his wife; if she be dead, then to his children; if he has no wife or child or children living, then to his parents, or either of them if one of them be dead; and no other shall be entitled to receive the same. If he has minor children, the same may be paid to their guardians.

Act Feb. 27, 1902, c. 34, § 2, 32 Stat. 43.

**ACT MARCH 3, 1903, c. 1006, § 1.**

**Time for filing claims for property taken from Confederate officers or soldiers.**

Payment to Confederate soldiers: For payment of claims filed with the Quartermaster-General under Act of February twenty-seventh, nineteen hundred and two, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, \* \*: and all claims under said Act shall be filed within one year from the first day of March, nineteen hundred and three, or be forever barred.

Act March 3, 1903, c. 1006, § 1, 32 Stat. 1048.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, cited above.

Act Feb. 27, 1902, c. 34, mentioned in this provision, is set forth above. The time for filing claims under that act is extended by a provision of Act April 27, 1904, c. 1630, § 1, set forth below.

**ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]**

**Time for filing claims for property taken from Confederate officers or soldiers.**

Claims for property taken from Confederate officers and soldiers after surrender: Payment to Confederate soldiers: For payment of claims filed with the Quartermaster-General under Act of February twenty-seventh, nineteen hundred and two, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, \* \*. The time for filing these claims under the provisions of the above-entitled Act and amendment thereto and for the payment thereof, is extended for two years from the date of the passage of this Act.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 401.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

Act Feb. 27, 1902, c. 34, mentioned in this provision, is set forth above. The time for filing claims under that act was limited, before this provision, by a provision of Act March 3, 1903, c. 1006, § 1, set forth above.

**Sec. 3489.**

**Claims for collecting, etc., volunteers for the War of the Rebellion and for horses, to be presented prior to June 30, 1874.**

Provisions for payment of particular claims of States for expenses incurred in raising volunteers, and for other similar advances and expenditures, are contained in the urgent deficiency appropriation act of 14, 1902, c. 17, 32 Stat. 30, and in the act for the allowance of certain claims, etc., Act May 27, 1902, c. 887, 32 Stat. 235.

# TITLE XXXVII.

## COINAGE, WEIGHTS, AND MEASURES.

### Sec. 3495.

#### **Enumeration of mints and assay-offices.**

The establishment of a mint at Manila, and the coinage of silver and minor coins for use in the Philippine Islands, are authorized, and the laws of the United States relating to mints and coinage, so far as applicable, are extended to the coinage of said Islands, by provisions of Act July 1, 1902, c. 1369, §§ 76-83, Act March 2, 1903, c. 980, set forth below.

The Treasury of the Philippine Islands and certain banking associations in said Islands may be designated by the Secretary of War and the Secretary of the Treasury as depositories of public money, by Act July 1, 1902, c. 1369, § 85, post, under Title XL, "The Public Moneys."

#### **ACT MARCH 2, 1895, c. 177, § 1.**

##### **Assay office at Denver mint continued.**

The provision of this act and subsequent similar appropriation acts relating to the mint and assay office at Denver, set forth in Comp. St. 1901, p. 2336, is repeated in the same language in the legislative, executive, and judicial appropriation acts for the fiscal years 1903, 1904, and 1905, but is omitted from the similar act for the fiscal year ending June 30, 1906, said mint and assay office having become a coinage mint.

An appropriation for the Denver mint, for new machinery, appliances, and furniture, was made, and a contract was authorized for such machinery, appliances, and furniture, complete in every detail for the operation of said mint, by the sundry civil appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 1, 32 Stat. 1109.

Provisions for the force necessary for the proper operations of the mint at Denver, contained in Act March 18, 1904, c. 716, § 1, are set forth below.

#### **ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]**

##### **Mint at Denver; officers, clerks, etc.**

Mint at Denver, Colorado: \* \* [Part of paragraph omitted makes appropriation for assayer in charge, melter, chief clerk, and other clerks.] Provided, That whenever the Secretary of the Treasury shall determine that it is necessary for the proper operations of the mint at Denver, Colorado, the following force may be appointed in lieu of the foregoing, at the yearly compensation herein stated, namely: Superintendent, at four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk, at two thousand five hundred dollars; weigh clerk, at one thousand six hundred dollars; clerk, at one thousand four hundred dollars; two cal-

culating clerks, at one thousand four hundred dollars each; and clerks at one thousand two hundred dollars each; and any unexpended balance of the foregoing appropriation shall be available for payment of this latter force.

Act March 18, 1904, c. 716, § 1, 33 Stat. 109.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

The appropriation for the mint at Denver by the similar act for the next following, ending June 30, 1906, is as follows:

"Mint at Denver, Colorado: For superintendent, four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk, two thousand five hundred dollars; vice clerk, two thousand dollars; cashier, two thousand two hundred dollars; assistant assayer, assistant melter and refiner, and assistant er, at two thousand dollars each; bookkeeper, one thousand eight hundred dollars; abstract clerk, warrant clerk, assistant weigh clerk, and calculating clerk, at one thousand six hundred dollars each; calculating clerk, at one thousand four hundred dollars; and two clerks at one thousand five hundred dollars each; in all, thirty-eight thousand two hundred and fifty dollars."

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 655.

## Sec. 3511.

### ACT MARCH 3, 1897, c. 376, § 1.

**Representation of United States at international monetary conference; appointment of commissioners; compensation and expenses.**

An appropriation to enable the President to co-operate through diplomatic channels with the governments of Mexico, China, Japan, and other countries, for purposes similar to those of this act, is made by the sundry civil appropriation act for the fiscal year ending June 30, 1904, March 3, 1903, c. 1007, § 1, 32 Stat. 1138.

## Sec. 3512.

**Recoinage of gold coins.**

Appropriations for recoinage of light-weight gold coins, as required by this section, are made each year in the sundry civil appropriation act. The appropriation for the fiscal year ending June 30, 1906, is contained in Act March 3, 1905, c. 1483, § 1, 33 Stat. 1167.

## Sec. 3526.

### ACT MARCH 14, 1900, c. 41, § 8.

**Coinage of silver bullion into subsidiary coins.**

The authority given by this section to coin subsidiary silver coins shall be exercised without limitation as to the amount of such subsidiary coins outstanding, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

### ACT MARCH 3, 1903, c. 1007, § 1.

**Limitation of amount of subsidiary silver coins removed.**

\* \* \* That the authority given to the Secretary of the Treasury to coin subsidiary silver coin by the eighth section of an Act entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to fund the public debt, and for other purposes," approved March 3,



teenth, nineteen hundred, may hereafter be exercised without limitation as to the amount of such subsidiary coin outstanding. \* \*

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1109.

This is a provision following an appropriation for transportation of silver coin, in the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

## **Sec. 3527.**

**ACT MARCH 3, 1881, c. 133, § 1.**

### **Free transportation of silver coin.**

An appropriation of \$100,000 "for transportation of silver coin, including fractional silver coin, by registered mail or otherwise," with provisions otherwise similar to those of Act March 3, 1885, c. 360, § 1, set forth in the note under the provision of this act in Comp. St. 1901, p. 2361, is made in the sundry civil appropriation acts for each subsequent year. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1167. And these appropriations are followed by appropriations with similar provisions for transportation of minor coin. The Secretary of the Treasury is required to report to Congress the cost arising under each of these appropriations.

## **Sec. 3529.**

### **Delivery of minor coins; redemption.**

Appropriations for transportation of minor coin, free of charge, when requested, on deposit of an equal amount in coin or currency in the Treasury or subtreasuries, are made by the sundry civil appropriation acts for each fiscal year. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1167. The Secretary of the Treasury is required to report to Congress the cost arising under this appropriation.

## **Sec. 3567.**

### **Spanish and Mexican coins.**

The Mexican silver dollar in use in the Philippine Islands and the silver coins issued by the Spanish government for use in said Islands are receivable for public dues for a limited time, by Act March 2, 1903, c. 980, § 7, set forth below.

Hawaiian silver coins are receivable in payment of all dues to the government of the Territory of Hawaii and of the United States, by Act Jan. 14, 1903, c. 186, § 1, set forth below.

## **Sec. 3568. [As amended 1877.]**

### **Their transmission for recoinage.**

Recoinage of Hawaiian silver coins into United States subsidiary silver coins is provided for by Act Jan. 14, 1903, c. 186, § 2, set forth below.

Recoinage of the silver coins in or received by the Treasury of the government of the Philippine Islands into the coins provided for use in said Islands is authorized by Act March 2, 1903, c. 980, § 5, set forth below.

**ACT JULY 1, 1902, c. 1369, §§ 76-83. [As amended 1903.]**

### **Philippine coinage; mint at Manila.**

Sec. 76. That the government of the Philippine Islands is hereby

authorized to establish a mint at the city of Manila, in said islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: Provided, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands.

Act July 1, 1902, c. 1369, § 76, 32 Stat. 710.

This section and the seven following sections, set forth below, are part of an act temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes, cited above. These sections authorize the government of the Philippine Islands to establish a mint, and to coin, for use in said Islands, certain subsidiary silver coins, and contain various provisions relating thereto. Further and more extensive provisions of the same nature, amending and repealing in part the provisions of this act, are contained in Act March 2, 1903, c. 980, set forth below.

#### **Subsidiary silver coins.**

Sec. 77. That the government of the Philippine Islands is authorized to coin for use in said islands a coin of the denomination of fifty centavos and of the weight of two hundred and eight grains, a coin of the denomination of twenty centavos and of the weight of eighty-three and ten one-hundredths grains, and a coin of the denomination of ten centavos and of the weight of forty-one and fifty-five one-hundredths grains; and the standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

Act July 1, 1902, c. 1369, § 77, 32 Stat. 710. Act March 2, 1903, c. 980, § 4, 32 Stat. 953.

This section is amended by Act March 2, 1903, c. 980, § 4, cited above, by increasing the weight of each of the coins authorized from that prescribed by the section as originally enacted, making it read as set forth here. The original section provided for a coin of 50 centavos of the weight of 192.9 grains, a coin of 20 centavos of the weight of 77 grains, and a coin of 10 centavos of the weight of 38.58 grains.

In addition to the coinage authorized by this act, the coinage of a silver peso is authorized by Act March 2, 1903, c. 980, § 2, set forth below, to be subject, by section 6 of that act, to the conditions and limitations of the provisions of this act.

#### **Sec. 78. [Repealed. Act March 2, 1903, c. 980, § 13.]**

This section provided that the coins authorized by the preceding section should be coined from silver bullion to be purchased therefor, from silver coins issued under the Spanish government for use in said Islands, and that the subsidiary silver coins authorized thereby should be legal tender in said Islands to the amount of \$10. The section is expressly repealed by Act March 2, 1903, c. 980, § 13, set forth below, and similar more comprehensive provisions of the same nature are contained in section 5 of that act, also set forth below.

#### **Minor coins; legal tender.**

Sec. 79. That the government of the Philippine Islands is also authorized to issue minor coins of the denominations of one-half centavo, one centavo, and five centavos, and such minor coins shall be legal tender in said islands for amounts not exceeding one dollar. The alloy of the five-centavo piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the

one-centavo and one-half-centavo pieces shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by said government. The weight of the five-centavo piece shall be seventy-seven and sixteen-hundredths grains troy, and of the one-centavo piece eighty grains troy, and of the one-half-centavo piece forty grains troy.

Act July 1, 1902, c. 1369, § 79, 32 Stat. 710.

The coinage authorized by Act March 2, 1903, c. 980, set forth below, is in addition to the coinage authorized by this act.

The provisions of the law in force in the Philippine Islands making any form of money legal tender, after December 31, 1903, except as provided in Act March 2, 1903, c. 980, are repealed by section 13 of that act, set forth below.

#### **Purchase of metal.**

Sec. 80. That for the purchase of metal for the subsidiary and minor coinage, authorized by the preceding sections, an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of said Islands.

Act July 1, 1902, c. 1369, § 80, 32 Stat. 710.

Similar provisions for the purchase of metal for the silver peso authorized by Act March 2, 1903, c. 980, are contained in section 9 of that act, set forth below.

#### **Place of coinage.**

Sec. 81. That the subsidiary and minor coinage hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage at any of the mints of the United States, at a charge covering the reasonable cost of the work.

Act July 1, 1902, c. 1369, § 81, 32 Stat. 710.

Similar provisions as to the place of coinage of the silver peso authorized by Act March 2, 1903, c. 980, are contained in section 10 of that act, set forth below.

#### **Devices and inscriptions.**

Sec. 82. That the subsidiary and minor coinage hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

Act July 1, 1902, c. 1369, § 82, 32 Stat. 711.

Similar provisions as to the devices and inscriptions to be borne by the silver peso authorized by Act March 2, 1903, c. 980, are contained in section 11 of that act, set forth below.

#### **Redemption and reissue of worn or defective coins; execution of provisions of act.**

Sec. 83. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regu-

lations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this Act relating to coinage.

Act July 1, 1902, c. 1369, § 83, 32 Stat. 711.

**ACT JAN. 14, 1903, c. 186.**

An Act Relating to Hawaiian Silver Coinage and Silver Certificates.  
(32 Stat. 770.)

**Hawaiian silver coins; receivable for dues to government of Territory of Hawaii and of United States.**

Be it enacted, &c., That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins.

Act Jan. 14, 1903, c. 186, § 1, 32 Stat. 770.

**Recoinage into United States subsidiary silver coins.**

Sec. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than five hundred dollars, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

Act Jan. 14, 1903, c. 186, § 2, 32 Stat. 770.

**Exchange for United States silver coins.**

Sec. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the government of Hawaii, or with any person desiring to make such exchange, for coins of the government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe.

Act Jan. 14, 1903, c. 186, § 3, 32 Stat. 771.

**Recoinage of mutilated or abraded coins; payment therefor.**

Sec. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than fifty dollars, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States.

Act Jan. 14, 1903, c. 186, § 4, 32 Stat. 771.

**Legal tender in Hawaii until January 1, 1904.**

Sec. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the Republic of Hawaii, until the first day of January, nineteen hundred and four, and not afterwards.

Act Jan. 14, 1903, c. 186, § 5, 32 Stat. 771.

**Hawaiian silver certificates; redemption by Territorial Government.**

Sec. 6. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the first day of January, nineteen hundred and five, and after said date it shall be unlawful to circulate the same as money.

Act Jan. 14, 1903, c. 186, § 6, 32 Stat. 771.

**United States not bound to redeem Hawaiian silver certificates or silver coin, except as stated in act.**

Sec. 7. That nothing in this Act contained shall bind the United States to redeem any silver certificates issued by the government of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this Act for the recoinage of Hawaiian silver.

Act Jan. 14, 1903, c. 186, § 7, 32 Stat. 771.

**Appropriation for transportation of coins.**

Sec. 8. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Act Jan. 14, 1903, c. 186, § 8, 32 Stat. 771.

**ACT MARCH 2, 1903, c. 980. [As amended 1905.]**

An Act to Establish a Standard of Value and to Provide for a Coinage System in the Philippine Islands. (32 Stat. 952.)

**Philippine coinage; unit of value; legal tender.**

Be it enacted, &c., That the unit of value in the Philippine Islands shall be the gold peso consisting of twelve and nine-tenths grains of gold, nine-tenths fine, said gold peso to become the unit of value when the government of the Philippine Islands shall have coined and ready for, or in, circulation not less than five million of the silver pesos hereinafter provided for in this Act, and the gold coins of the United States at the rate of one dollar for two pesos hereinafter authorized to be coined shall be legal tender for all debts, public and private, in the Philippine Islands.

Act March 2, 1903, c. 980, § 1, 32 Stat. 952.

**Silver peso.**

Sec. 2. That in addition to the coinage authorized for use in the Philippine Islands by the Act of July first, nineteen hundred and two,

entitled "An Act temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes," the government of the Philippine Islands is authorized to coin to an amount not exceeding seventy-five million pesos, for use in said islands, a silver coin of the denomination of one peso and the weight of four hundred and sixteen grains, and the standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

Act March 2, 1903, c. 980, § 2, 32 Stat. 953.

Act July 1, 1902, c. 1369, mentioned in this section, is set forth above.

**Legal tender.**

Sec. 3. That the silver Philippine peso authorized by this Act shall be legal tender in the Philippine Islands for all debts, public and private, unless otherwise specifically provided by contract: Provided, That debts contracted prior to the thirty-first day of December, nineteen hundred and three, may be paid in the legal-tender currency of said islands existing at the time of the making of said contracts, unless otherwise expressly provided by contract.

Act March 2, 1903, c. 980, § 3, 32 Stat. 953.

Sec. 4. [Amends Act July 1, 1902, c. 1369, § 77.]

This section amends Act July 1, 1902, c. 1369, § 77, and is incorporated into that section as set forth above.

**Purchase of silver bullion; recoinage of silver coins; legal tender.**

Sec. 5. That the Philippine peso herein authorized and the subsidiary silver coins authorized by section seventy-seven of the Act of July first, nineteen hundred and two, as amended by the preceding section of this Act, shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine with the approval of the Secretary of War of the United States, except as limited in section two of this Act, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: Provided, That said government may, in its discretion, in lieu of the purchase of bullion, recoin any of the silver coins now in or hereafter received by the treasury of the government of the Philippine Islands into the coins provided for in this Act or the Act of July first, nineteen hundred and two, as herein amended, at such rate and under such regulations as it may prescribe; and the subsidiary silver coins authorized by this Act and by the Act of July first, nineteen hundred and two, shall be legal tender in said islands to the amount of ten dollars.

Act March 2, 1903, c. 980, § 5, 32 Stat. 953.

This section re-enacts, with additional provisions, the provisions of section 78 of Act July 1, 1902, c. 1369, which section is repealed by section 13 of this act, set forth below.

**Application of previous provisions to coinage authorized by act; maintenance of parity between silver peso and gold peso; issue of temporary certificates of indebtedness, redemption thereof, and use of proceeds.**

Sec. 6. That the coinage authorized by this Act shall be subject

to the conditions and limitations of the provisions of the Act of July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," except as herein otherwise provided; and the government of the Philippine Islands may adopt such measures as it may deem proper, not inconsistent with said Act of July first, nineteen hundred and two, to maintain the value of the silver Philippine peso at the rate of one gold peso, and in order to maintain such parity between said silver Philippine pesos and the gold pesos herein provided for, and for no other purpose, may issue temporary certificates of indebtedness, bearing interest at a rate not to exceed four per centum annually, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of twenty-five dollars, or fifty pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States, or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed ten million dollars, or twenty million pesos, and said certificates shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under any State, municipal, or local authority in the United States or the Philippine Islands; Provided, That all the proceeds of said certificates shall be used exclusively for the maintenance of said parity, as herein provided, and for no other purpose, except that a sum not exceeding three million dollars at any one time may be used as a continuing credit for the purchase of silver bullion in execution of the provisions of this Act.

Act March 2, 1903, c. 980, § 6, 32 Stat. 953.

**Silver coins previously in use receivable for public dues for limited time; preference to silver pesos and silver certificates.**

Sec. 7. That the Mexican silver dollar now in use in the Philippine Islands and the silver coins heretofore issued by the Spanish Government for use in said islands shall be receivable for public dues at a rate to be fixed from time to time by the proclamation of the civil governor of said lands until such date, not earlier than the first day of January, nineteen hundred and four, as may be fixed by public proclamation of said civil governor, when such coins shall cease to be so receivable: Provided, That the public offices of the government of said islands shall give a preference for all public dues to the silver pesos and the silver certificates authorized by this Act, and may at any time refuse to receive such Mexican dollars and Spanish coins as may appear to be counterfeit or defective.

Act March 2, 1903, c. 980, § 7, 32 Stat. 954.

**Silver certificates to be issued on deposit of silver pesos and to be receivable for public dues; reissue; lawful reserve of banking associations.**

Sec. 8. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive deposits of the standard silver

## TITLE XXXVIII.

### THE CURRENCY.

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**Sec. 3582.**

**ACT MAY 31, 1878, c. 146.**

**Further cancellation or retirement of United States legal-tender : prohibited.**

The appropriations for engraving and printing, contained in the dry civil appropriation acts for each fiscal year and in the various deficiency appropriation acts, are followed by provisions that no portion of the sum appropriated shall be expended for printing United States notes or treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary for executing the requirements of Act March 14, 1900, c. 41, set forth in Comp. St. 1901, pp. 2356-2360. The provisions for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1483, § Stat. 1164.



## TITLE XXXIX.

### LEGAL TENDER.

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#### **Sec. 3584.**

##### **Foreign coins.**

Silver coins struck by the government of Hawaii are to be legal tender in the Territory of Hawaii until Jan. 1, 1904, and not afterwards; and silver certificates issued by that government, intended to circulate as money, are to be redeemed by the Territorial government, on or before Jan. 1, 1905, and after that date it shall be unlawful to circulate the same as money, by provisions of Act Jan. 14, 1903, c. 186, §§ 5, 6, ante, under Title XXXVII, "Coinage, Weights, and Measures."

The coinage by the government of the Philippine Islands of various silver and minor coins for use in the Islands is authorized, and the legal tender quality of such coins, as well as of the gold coins of the United States, in the Islands, is prescribed, by Act July 1, 1902, c. 1369, §§ 76-83, and Act March 2, 1903, c. 980, ante, under Title XXXVII, "Coinage, Weights, and Measures"; and by section 13 of the act last mentioned, all provisions of law in force in the Islands making any form of money legal tender after Dec. 31, 1903, except as provided in that act, are repealed.

## TITLE XL.

### THE PUBLIC MONEYS.

#### Sec. 3592.

**ACT JUNE 6, 1900, c. 797.**

##### **Depositories in Cuba, Porto Rico, and Philippine Islands.**

Further provisions as to depositories in the Philippine Islands, which may be regarded as superseding, as to such Islands, the provisions of the act, are contained in Act July 1, 1902, c. 1369, § 85, set forth below.

**ACT JULY 1, 1902, c. 1369, § 85.**

##### **Depositories in Philippine Islands.**

That the treasury of the Philippine Islands and such banking associations in said islands with a paid up capital of not less than two million dollars and chartered by the United States or any State thereof, as may be designated by the Secretary of War and the Secretary of the Treasury of the United States shall be depositories of public money of the United States, subject to the provisions of existing laws governing such depositories in the United States: Provided, That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War.

Act July 1, 1902, c. 1369, § 85, 32 Stat. 711.

This section is part of an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, cited above.

#### Sec. 3617.

**ACT MARCH 3, 1883, c. 143.**

##### **Receipts from private telegrams sent over Government lines.**

A provision permitting transmission of private messages over telephone lines controlled by the Treasury Department, and requiring the proceeds thereof to be paid into the Treasury, as required in regard to private dispatches over Government telegraph lines by the provision of Act March 3, 1883, c. 143, set forth in Comp. St. 1901, p. 2413, contained in Act April 28, 1904, c. 1762, § 1, set forth below.

**ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

##### **Private messages over telephone lines controlled by Treasury Department.**

\* \* That private messages may, with the consent and authority of the Secretary of the Treasury, be transmitted over any and all telephones

lines controlled by the Treasury Department, whenever it does not interfere with Government business, at such rates and on such terms and conditions as may from time to time be fixed by the Secretary of the Treasury, the proceeds thereof to be accounted for and paid into the Treasury of the United States.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 460.

This is a proviso annexed to an appropriation for establishing new life-saving stations, etc., in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

## Sec. 3618. [*As amended 1877.*]

### **Proceeds of sales of material.**

Moneys arising from disposition of serviceable ordnance and ordnance stores are to constitute one fund on the books of the Treasury Department, available to replace ordnance and ordnance stores, by a provision of Act April 23, 1904, c. 1485, set forth ante, under Title XVII, "Arms, Armories, and Arsenals, and Ordnance and Fortifications," subchapter "Ordnance Materials, Stores, and Supplies."

Moneys arising from deductions made from carriers on account of loss of or damage to military stores in transit are to be credited to the proper appropriation or funds out of which such or similar stores shall be replaced, by a provision of Act March 2, 1905, c. 1307, set forth ante, under Title XIV, "The Army," c. 1.

The Army appropriation acts for recent fiscal years contain a provision that all funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines are to be deposited in the Treasury, and remain available during the fiscal year for the procurement of like military stores to replace those so transferred. The provision for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 841.

## Sec. 3648.

### **Advances of public moneys prohibited.**

Advances from appropriations for the Department of Agriculture are restricted by a provision of Act June 3, 1902, c. 985, set forth below.

An appropriation for traveling and other miscellaneous and emergency expenses, authorized and approved by the Attorney General, to be expended at his discretion, the provisions of the first paragraph of this section to the contrary notwithstanding, is made by the sundry civil appropriation acts for recent years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1206.

Payment for mileage books, commutation tickets, etc., purchased by the Secretary of the Navy to be furnished to officers and others ordered to perform travel on official business, is not to be regarded as an advance of public money within the meaning of Rev. St. § 3648, by a provision of Act April 27, 1904, c. 1630, § 1, set forth ante, under Title XV, "The Navy," c. 8.

The annual subscriptions for publications for use in the immigration service may be paid in advance, by a provision of Act March 3, 1905, c. 1483, § 1, set forth below.

Rev. St. § 3648, is not to apply to subscriptions for newspapers and periodicals, to be paid for from the appropriation for contingent expenses of the Military Information Division, Adjutant-General's Office, in the Army appropriation acts for recent years. The provision for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 827.

Rev. St. § 3648, is not to apply to subscriptions for publications for

the Department of Agriculture, by a provision of Act March 3, 1903, 1008, 32 Stat. 1163, repeated in substance in Act April 28, 1904, 1486, 33 Stat. 292, and in Act March 3, 1905, c. 1405, set forth below.

**ACT JUNE 3, 1902, c. 985.**

**Advances from appropriations for Department of Agriculture.**

\* \* That advances of public money from the appropriations for the Department of Agriculture shall be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers, special agents, and others as shall have given bonds in such sums as the Secretary of Agriculture shall direct.

Act June 3, 1902, c. 985, 32 Stat. 306.

This is a proviso in the agricultural appropriation act for the fiscal year ending June 30, 1903, cited above. It follows a proviso relating to the reorganization of the divisions of the Department of Agriculture into bureaus, set forth ante, under Title XII, "The Department of Agriculture," c. A.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]**

**Advances for subscriptions for publications for Department of Agriculture.**

\* \* That section thirty-six hundred and forty-eight of the Revised Statutes shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of the Department.

Act March 3, 1905, c. 1405, 33 Stat. 880.

This is a proviso annexed to an appropriation for general expenses for the Department Library, in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

A similar proviso, with slight verbal differences, was contained in preceding agricultural appropriation acts for the fiscal years 1904 and 1905. Act March 3, 1903, c. 1008, 32 Stat. 1163, and Act April 23, 1904, 1486, 33 Stat. 292.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18069.]**

**Advances for subscriptions for publications for immigration service.**

\* \* That the annual subscriptions for publications for use in the immigration service at large may be paid in advance.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1182.

This is a proviso annexed to an appropriation for enforcement of the Chinese exclusion act, in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

**Sec. 3649.**

**Examination of depositaries.**

Annual appropriations for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several sub-treasuries and depositaries, including national banks acting as depositaries under Rev. St. § 3649, are made by recent legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 655.

**Sec. 3653.****ACT AUG. 7, 1882, c. 433, § 1.****Expenses of fiscal agents; expenditure of appropriations.**

The provision of this act making an appropriation for contingent expenses under Rev. St. § 3653, set forth in Comp. St. 1901, p. 2427, is repeated in the same language in the sundry civil appropriation acts for subsequent years. The paragraph following this appropriation in Comp. St. 1901, p. 2427, restricting the expenditure of the appropriation, being permanent in form, is not repeated. The provision for the fiscal year ending June 30, 1906, is by Act March 8, 1905, c. 1483, § 1, 33 Stat. 1167.

# TITLE XLI.

## APPROPRIATIONS.

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### **Sec. 3663.** [*As amended 1877.*]

#### **Requisites of estimates for appropriations for public works.**

Reports of the cost of electric light and power produced by electrical plants owned by the Government in the Executive Departments are required by a provision of Act April 27, 1904, c. 1630, § 1, set forth below.

#### **ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]**

#### **Reports of cost of electric light and power produced by electrical plants in Departments.**

The head of each of the several Executive Departments at Washington, wherein electric plants are owned by the Government, is hereby authorized and directed to report to Congress at its next session the cost of electric light and power produced by such plants.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 398.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

### **Sec. 3665.**

#### **ACT JULY 1, 1882, c. 262.**

#### **Estimates by Secretary of State for diplomatic and consular service.**

The Secretary of State is required to submit separate estimates for rent of and for contingent expenses at consular offices, by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

#### **ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]**

#### **Estimates by Secretary of State for rent of and expenses at consular offices.**

Hereafter the Secretary of State shall, in submitting estimates for the consular service, segregate, and submit separately, estimates for rent of consular offices, and under contingent expenses estimate for the amount required annually to be expended at consular offices for purposes within the discretion of the Department.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1214.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above.

**ACT MARCH 3, 1893, c. 208.****Estimates by Secretary of War.**

The Secretary of War is required to forward to Congress a detailed statement of the expenses of joint encampments and maneuvers of the Regular Army and the organized militia, by a provision of Act April 23, 1904, c. 1485, set forth ante, under Title XVI, "The Militia."

**ACT MARCH 2, 1889, c. 410, § 1.****Estimates by Secretary of the Treasury.**

The Secretary of the Treasury is required to report in the annual estimates the number of persons employed, other than workmen and adjusters, and the compensation paid to each, at each mint and assay office, out of appropriations for wages of workmen, adjusters, etc., by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

The Secretary of the Treasury is required to submit, in the regular Book of Estimates, detailed estimates of the expenses of maintaining the Public Health and Marine-Hospital Service, by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

Estimates for expenses and maintenance of the Freedmen's Hospital and Asylum are to be submitted by the Secretary of the Interior, by a provision of Act March 3, 1905, c. 1483, § 1, set forth ante, under Title XXVII, "The Freedmen."

**ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]****Reports by Secretary of the Treasury of persons employed at mints and assay offices, other than workmen and adjusters, paid out of appropriations for workmen, adjusters, etc.**

The Secretary of the Treasury shall report to Congress each year in the annual estimates the number of persons employed, other than workmen and adjusters, and the compensation paid to each, at each mint and assay office, out of appropriations made for wages of workmen, adjusters, and other employees.

Act March 18, 1904, c. 716, § 1, 33 Stat. 111. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 657.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, repeated in the same language in the similar act for the fiscal year ending June 30, 1906, cited above.

**ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]****Estimates by Secretary of the Treasury for Public Health and Marine-Hospital Service.**

\* \* And the Secretary of the Treasury shall, for the fiscal year nineteen hundred and seven, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of maintaining the Public Health and Marine-Hospital Service.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1217.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above. It follows a provision repealing so much of Act June 26, 1884, c. 121, § 15, set forth in Comp. St. 1901, p. 2851, as made a permanent appropriation of the receipts for duties on tonnage provided for by said act for the expenses of maintaining the Marine Hospital Service.

**Sec. 3666.****ACT APRIL 17, 1900, c. 192, § 1.****Statements in estimates of number and salaries of persons employed under appropriations for increase of Navy, etc.**

Special provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, Act Feb. 25, 1903, 755, § 1, 32 Stat. 887, directed the Secretary of the Navy "to submit the regular annual estimates for the fiscal year nineteen hundred and estimates in detail for all clerks and other employees engaged upon necessary for, at the time of preparing such estimates, the conduct of regular and permanent work of the Department, and who are paid out of appropriations for 'Increase of the Navy' or other general appropriations the rates of compensation under said estimates not to exceed the rate of compensation then actually being paid." And it was further provided that he "shall also submit an estimate for the fiscal year nineteen hundred and five of the amount that in his judgment should be authorized to be used out of appropriations for 'Increase of the Navy' or other general appropriations under the naval establishment for emergency, clerical, and other services that may, in his judgment, be requisite in the Department in executing the purposes of said appropriations."

In the legislative, executive, and judicial appropriation act for the next following fiscal year, ending June 30, 1905, Act March 18, 1904, c. 716, § 1, 33 Stat. 117-122, under the head "Navy Department," appropriations were made for additional clerks and other employees of the permanent force in various offices and bureaus of the Department in lieu of employees previously authorized and paid from appropriations for "new ships."

Statements of the persons employed and the compensation paid to each from the appropriations for "Increase of the Navy," and for "Public Works," for services as draftsmen and other technical services, carried into effect said appropriations, are required to be made each year in the annual estimates, by the provisions authorizing such employment, Act March 18, 1904, c. 716, § 1, and Act Feb. 3, 1905, c. 297, set forth ante, under Title X, "The Department of the Navy."

**Sec. 3668.****ACT MARCH 3, 1901, c. 853, § 1.****Estimates for personal services in office of Geological Survey.**

The provision of this act set forth in Comp. St. 1901, p. 2445, is superseded by the requirement, in lieu of the specific estimates required by this provision, of notes in the annual Book of Estimates, showing the number of persons employed, etc., during the fiscal year next preceding, enacted by a provision of Act June 28, 1902, c. 1301, § 1, set forth below.

**ACT JUNE 3, 1902, c. 985.****Estimates for Department of Agriculture.**

\* \* That hereafter the estimates of appropriations for the Department of Agriculture shall be prepared and submitted each year according to the order and arrangement of the Act for the year preceding; and any changes in such order or arrangement desired by the Secretary of Agriculture may be submitted by note in the estimates.

It shall be the duty of the Secretary of Agriculture to submit the Book of Estimates for the fiscal year nineteen hundred and five and annually thereafter, immediately following estimates of each of



respective offices, bureaus and divisions of the Department of Agriculture a statement showing in detail the number of clerks who were employed in the District of Columbia upon regular and continuous work for thirty days or more during the previous fiscal year in or under such offices, bureaus or divisions under authority of and paid from general appropriations, indicating in the case of every such employment the rate of compensation received and the appropriation from which paid.

Act June 3, 1902, c. 985, 32 Stat. 303.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1903, cited above.

The Secretary of Agriculture is directed to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds, by a provision of the act authorizing him to make such appointments, promotions, and changes in the several bureaus, divisions, and offices of the Department, Act March 3, 1905, c. 1405, set forth ante, under Title XII, "The Department of Agriculture," subchapter A.

**ACT JUNE 28, 1902, c. 1301, § 1.**

**Statements in estimates of number and compensation of persons employed under appropriations for Light-House Establishment.**

Hereafter there shall be submitted in the annual Book of Estimates, under each item of appropriation under the head of "Light-House Establishment," notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 483.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

**Statements in estimates of number and compensation of persons employed under appropriation for general expenses of Geological Survey.**

Hereafter, in lieu of the specific estimates for personal services now required by law, there shall be submitted in the Annual Book of Estimates, under each item of appropriation under "General expenses of the Geological Survey," notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 455.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. Specific estimates for personal services in the office of the Geological Survey, mentioned in this provision, were required by a provision of Act March 3, 1901, c. 853, § 1, set forth in Comp. St. 1901, p. 2445, which may be regarded as superseded by this act.

The estimates for the Geological Survey were required to be itemized, by a provision of Act March 3, 1887, c. 362, set forth in Comp. St. 1901, p. 1489.

All printing and engraving for the Geological Survey is required to be estimated for separately and in detail, and appropriated for separately, by a provision of Act Aug. 4, 1886, c. 902, § 1, set forth in Comp. St. 1901, p. 2394.

**Estimates for Census Office.**

\* \* That estimates in detail for the expenses of the permanent Census Office for the fiscal year nineteen hundred and four and annually thereafter shall be submitted in the regular Book of Estimates.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 456.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

A permanent census office is established by Act March 3, 1902, c. 1301, ante, under Title XXXI, "The Census."

**ACT MARCH 3, 1903, c. 1006.****Estimates for Department of Commerce and Labor.**

That the Secretary of Commerce and Labor shall submit to Congress for the fiscal year nineteen hundred and five, and annually thereafter, estimates in detail for all personal services and for all general and miscellaneous expenses for the Department of Commerce and Labor.

Act March 3, 1903, c. 1006, 32 Stat. 1082.

This is a provision of the deficiency appropriation act for the year ending June 30, 1903, cited above.

The Department of Commerce and Labor is established by Act February 1903, c. 552, set forth ante, under Title XII A, "The Department of Commerce and Labor."

**ACT MARCH 3, 1905, c. 1402. [H. R. 17094.]****Estimates for fortifications for insular possessions.**

Hereafter all estimates for fortifications for insular possessions of the United States shall be made and submitted to Congress showing the amount proposed to be expended at each harbor in each insular session.

Act March 3, 1905, c. 1402, 33 Stat. 847.

This is a provision of the fortifications appropriation act of March 3, 1905, cited above.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]****Estimates for expenses of insular and territorial affairs within jurisdiction of Department of Justice.**

Insular and Territorial affairs: For defraying the necessary expenses incurred in the conduct of insular and other territorial matters and affairs within the jurisdiction of the Department of Justice, including the payment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Attorney General, and to be expended under his direction, \* \*: Provided, That estimates under this appropriation shall hereafter be submitted in detail under Legislative, Executive, and Judicial expenses.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1206.

This is a provision of the sundry civil appropriation act for the year ending June 30, 1905, cited above. Previous appropriations under this head were made also by the sundry civil appropriation acts.

**Sec. 3671.****Estimates of expenses of collecting internal revenue.**

The Commissioner of Internal Revenue is required to make a de-

statement to Congress once in each year as to how he has expended the sum appropriated for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in the sundry civil appropriation act, by a provision of Act March 3, 1893, c. 208, repeated in subsequent similar acts, set forth in Comp. St. 1901, p. 2273. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1167.

## Sec. 3678.

### Application of moneys appropriated.

No part of the appropriations for the support of the Regular Army is to be used to pay any part of the expenses of the organized militia while engaged in joint encampment, maneuvers, and field instruction, as provided by Act Jan. 21, 1903, c. 196, § 15, set forth ante, under Title XVI, "The Militia," and payments to the militia under that section are to be made solely from the sums appropriated for such purpose, by provisions of Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth below.

No part of the appropriations for the Ordnance Department is to be used in payment of freight on ordnance, etc., issued by said department, by a provision of Act March 2, 1901, c. 803, set forth in Comp. St. 1901, p. 1148, repeated in subsequent Army appropriation acts.

Certain books and periodicals needed by the scientific divisions of the Geological Survey may be paid for out of appropriations for said survey, by a provision of Act June 28, 1902, c. 1301, § 1, set forth below.

Appropriations for supplies for the United States courts and judicial officers are to be expended only for supplies purchased by the Department of Justice for distribution, by a provision of Act March 3, 1899, c. 424, § 1, Comp. St. 1901, p. 210, repeated in Act June 28, 1902, c. 1301, § 1, 32 Stat. 476.

Restrictions on the use of appropriations made for printing and binding for illustrations, etc., contained in Act March 3, 1905, c. 1483, § 1, are set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

The annual Indian appropriation acts for recent fiscal years contain provisions allowing the use of any surplus of appropriations for subsistence for the several Indian tribes, to an amount not exceeding \$25,000, to supply any subsistence deficiency, and the use of any sums appropriated for subsistence and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which the appropriation is made. Said acts also provide that, when not required for the purpose for which appropriated, funds provided for pay of specified employes at any agency may be used for the pay of other employes at such agency, and that appropriations for certain employes and for various articles provided for by treaty stipulation for the several Indian tribes may be directed to other uses for the benefit of said tribes, with their consent, etc. These provisions for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1479, §§ 3, 4, 33 Stat. 1077, 1079.

### ACT JUNE 28, 1902, c. 1301, § 1.

**Books, etc., for Geological Survey; purchase from appropriations for survey.**

\* \* That the purchase of professional and scientific books and periodicals needed for statistical purposes hereafter by the scientific divisions of the United States Geological Survey is hereby authorized

to be made and paid for out of appropriations made for the said  
vey.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 455.

This is a proviso annexed to an appropriation for the purchase of books, etc., in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

**ACT JULY 1, 1902, c. 1351.**

**No act to be construed to make an appropriation unless it specifically declares an appropriation to be made.**

Hereafter no Act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such Act is in specific terms, declare an appropriation to be made for the purchase or purposes specified in the Act.

Act July 1, 1902, c. 1351, 32 Stat. 560.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

The style and title of acts making appropriations are prescribed by St. § 11, Comp. St. 1901, p. 5.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

**Expenses of militia participating in joint encampment, maneuvers, etc., with Regular Army, not to be paid from appropriations for support of Regular Army.**

That no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the organization of militia of any State, Territory, or District of Columbia, while engaged in joint encampment, maneuvers, and field instruction of the Regular Army and militia as provided by section fifteen of the Act of January twenty-first, nineteen hundred and three, entitled "An Act to promote the efficiency of the militia, and for other purposes."

Act April 23, 1904, c. 1485, 33 Stat. 265. Act March 2, 1905, c. 33 Stat. 837.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1905, which is repeated without substantial change in the similar act for the fiscal year ending June 30, 1906, cited above.

**Payments to militia participating in joint encampment, maneuvers, etc., with Regular Army, and allowances for mileage to be paid solely from appropriations therefor.**

\* \* That hereafter all payments to the militia under the provisions of section fifteen of the Act of Congress approved January twenty-first, nineteen hundred and three, and all allowances for mileage to be made solely from the sums herein appropriated for such purposes. \* \*

Act April 23, 1904, c. 1485, 33 Stat. 267.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

**Sec. 3679.**

[Amended. Act March 3, 1905, c. 1484, § 4.]

This section is amended by Act March 3, 1905, c. 1484, § 4, to read as set forth below.

**ACT MARCH 3, 1905, c. 1484, § 4. [H. R. 19150.]**

**Amendment of Rev. St. § 3679.**

That section thirty-six hundred and seventy-nine of the Revised Statutes of the United States is hereby amended to read as follows:

**No expenditures beyond appropriations; acceptance of voluntary service for Government or employment of personal service in excess of that authorized, forbidden; appropriations for contingent expenses or other general purposes to be apportioned in monthly or other allotments; violation of section punishable.**

"Sec. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made for the fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year; and all such apportionments shall be adhered to except when waived or modified in specific cases by the written order of the head of the Executive Department or other Government establishment having control of the expenditure, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and all such waivers or modifications, together with the reasons therefor, shall be communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month."

Act March 3, 1905, c. 1484, § 4, 33 Stat. 1257.

This provision is a portion of section 4 of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above.

Rev. St. § 3679, amended by this act, is set forth in Comp. St. 1901, p. 2454. The original section is re-enacted, with some additions, in the first sentence of the amended section as set forth here. A previous provision similar to that in the second sentence of the section as amended, contained in Act May 1, 1884, c. 87, is also set forth in Comp. St. 1901, p. 2455.

## **Sec. 3680.**

**Restrictions on use of appropriations for contingent expenses of Congress.**

Further restrictions on the use of appropriations for contingent ex-

penses of either House of Congress, for payment for personal services are contained in a provision of Act Feb. 14, 1902, c. 17, set forth below.

#### **ACT FEB. 14, 1902, c. 17.**

**Restrictions on use of appropriations for contingent expenses of Congress, for payment of personal services.**

\* \* That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and special authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of the accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this Act.

Act Feb. 14, 1902, c. 17, 32 Stat. 28.

This is a proviso annexed to an appropriation for miscellaneous items in the urgent deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

Previous provisions restricting the use of such appropriations are contained in Rev. St. § 8680, Comp. St. 1901, p. 2455.

No payments are to be made from the contingent fund of either House of Congress unless sanctioned by the committee designated for that purpose, by Rev. St. § 76, Comp. St. 1901, p. 43.

#### **Sec. 3682.**

**Restrictions on contingent, etc., appropriations.**

This section is not to apply to the expenditure of the appropriations for contingent expenses of the military information division, Adjutant General's Office, in the Army appropriation act for the fiscal year ending June 30, 1904, Act March 2, 1903, c. 975, 32 Stat. 928, so far as it relates to the offices of the military attaches abroad and to the bureau office at Manila of the military information division, by a proviso annexed to that appropriation.

#### **Sec. 3686.**

**ACT JUNE 23, 1874, c. 455, § 1.**

**Payments of appropriations for charitable, etc., purposes.**

A provision fixing the term of service of Members of Congress or Senators appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes any appropriation, contained in Act March 3, 1893, c. 199, § 1, is set forth below.

**ACT MARCH 3, 1893, c. 199, § 1.**

**Term of service of members of Congress or Senators as trustees or directors of corporations or institutions to which Congress makes appropriations.**

That hereafter in all cases where Members of Congress or Senators are appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes

any appropriation, the term of said Members or Senators, as such trustee or director, shall continue until the expiration of two months after the first meeting of the Congress chosen next after their appointment.

Act March 3, 1893, c. 199, § 1, 27 Stat. 553.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1894, cited above.

#### PERMANENT ANNUAL APPROPRIATIONS.

### Sec. 3687. [*As amended* 1894.]

#### **Collecting revenue from customs.**

Appropriations to defray the expenses of collecting the revenue from customs, additional to the permanent appropriation for that purpose made by this section, are made in the deficiency appropriation acts for each year. Such appropriations for the fiscal years 1904, 1905, and 1906 are contained in Act Feb. 18, 1904, c. 160, § 1, 33 Stat. 21, Act April 27, 1904, c. 1630, § 1, 33 Stat. 396, and Act March 3, 1905, c. 1484, § 1, 33 Stat. 1216.

### Sec. 3689. [*As amended* 1874, 1875, 1878.]

#### **Permanent indefinite appropriations; Marine-Hospital Establishment.**

Besides the repeal of all provisions for collection of hospital tax on seamen by Act June 26, 1884, c. 121, § 15, as stated in the note under the paragraph of Rev. St. § 3689, set forth in Comp. St. 1901, p. 2465, making permanent appropriations for the Marine-Hospital Establishment, the appropriation made by said Act June 26, 1884, c. 121, § 15, of receipts for duties on tonnage provided for by said act, for the expenses of maintaining the Marine-Hospital Service, is also repealed by a provision of Act March 3, 1905, c. 1484, § 1, set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 3.

### Sec. 3691.

#### **Disposal of unexpended balances of appropriations for National Home for Disabled Volunteer Soldiers.**

Appropriations for the construction of buildings at any of the branches of the Home are to continue available until expended, by a provision of Act June, 1900, c. 785, § 1, set forth in Comp. St. 1901, p. 8342.

## TITLE XLII.

### THE PUBLIC DEBT.

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#### Sec. 3694.

##### **Application of coin paid for duties.**

Duties and taxes collected in the Philippine Archipelago, and duties and taxes collected in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom to be held as a separate fund for the government and benefit of the Philippine Islands, by Act March 8, 1902, c. 140, § 4, ante, under XXXIII, "Duties upon Imports."

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## TITLE XLIII.

### PUBLIC CONTRACTS.

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#### **Sec. 3709.** [*As amended 1894.*]

**Advertisements for proposals; [exceptions; bids; acceptance or rejection.]**

The annual Indian appropriation acts for recent fiscal years contain provisions that no purchase of supplies for which appropriations are therein made, exceeding in the aggregate \$500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when the Secretary of the Interior may direct that purchases be made in the open market not to exceed \$3,000 in amount at any one purchase, the Secretary to make official record of the exigency and to report the same to Congress at its next session. Said acts also provide that supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation without advertising; and that, as far as practicable, Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

Provisions for the rejection of bids for supplies, etc., for the Indian service, and for the purchase of such supplies in the open market, at a price not to exceed the amount of the lowest bid made, and not to exceed the market price, are contained in said Indian appropriation acts.

These provisions for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1479, §§ 2, 5, 33 Stat. pp. 1077, 1078.

The appointment of a purchasing agent for the Post Office Department is provided for, and his duties and proceedings in making purchases for supplies necessary for that department are prescribed, by Act April 28, 1904, c. 1759, § 3, set forth below.

#### **Sec. 3716.**

**Advertisements for supplies for Quartermaster's Department.**

Provisions for the purchase of stores, etc., for the Signal Corps, for the purchase of horses from mounted line officers, for the purchase of medicines and medical supplies, and the purchase of ordnance and ordnance stores and supplies, are contained in Act March 2, 1903, c. 975, set forth below.

#### **ACT JULY 5, 1884, c. 217.**

**Purchases of supplies for Quartermaster's and Commissary Departments; transportation of stores for Army by private parties.**

Provisions for the purchase of supplies for the Signal Corps and the Ordnance Department are contained in Act March 2, 1903, c. 975, set forth below.

Vessels of the United States, or belonging to the United States, and no others, are to be employed in the transportation of supplies for the use of the Army or Navy, unless their freight charges are found unreasonable, by Act April 28, 1904, c. 1766, set forth below.

**Purchases of horses for cavalry, artillery, etc.**

The provision of the Army appropriation act for the fiscal year ending June 30, 1902, Act March 2, 1901, c. 803, § 1, set forth in the notes to this act in Comp. St. 1901, p. 2492, is repeated, with variations in amount appropriated and other changes and additions, from year to year, in the Army appropriation acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, Act March 2, 1905, c. 1307, 33 Stat. 835, is as follows:

"Horses for cavalry, artillery, and engineers: For the purchase of horses for the cavalry, artillery, and engineers, and for the Indian service and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, two hundred thousand dollars: Provided, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department and an inspection under the direction and authority of the Secretary of War. Where practicable, horses shall be purchased in the open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War."

The Secretary of War is authorized to permit the purchase, by the Quartermaster's Department, of horses from mounted officers of the Army who may be ordered to duty beyond the seas or to make a change of station in the United States, when the cost of transportation of such horses shall exceed the sum allowed therefor by the Army Regulations, by a further proviso of said Act March 2, 1903, c. 975, set forth below.

**ACT MAY 1, 1888, c. 212.****Purchases of technical and scientific supplies for Military Academy.**

The provision of this act and of subsequent appropriation acts, set forth in Comp. St. 1901, p. 2493, is repeated in the same language in the subsequent acts making appropriations for the Military Academy for each fiscal year. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1404, 33 Stat. 858.

**ACT SEPT. 22, 1888, c. 1027, § 1.****Limit of number of draught and pack animals.**

The Army appropriation acts for recent fiscal years contain appropriations for the purchase of draught and pack animals for transportation of army supplies, coupled with a proviso that the number of draught animals purchased from the appropriation, "added to those now on hand, shall be limited to such numbers as are actually required for service." The provision for the fiscal year ending June 30, 1906, is by Act March 2, 1905, c. 1307, 33 Stat. 837.

**ACT FEB. 27, 1893, c. 168.****Purchases of medicines and medical supplies.**

Further provisions relating to the purchase of medicines and medical supplies are contained in Act March 2, 1903, c. 975, set forth below.

**ACT MARCH 2, 1901, c. 803.****Printing for Quartermaster's Department; purchases of supplies for departments and posts, etc., of Army.**

The provisions of this act, set forth in Comp. St. 1901, p. 2495, are repeated, in the same language, in the Army appropriation acts for

fiscal years 1903, 1904, and 1905. In the similar act for the fiscal year ending June 30, 1906, Act March 2, 1905, c. 1307, 33 Stat. 884, the first provision, relating to expenditures for printing, is again repeated in the same language, but the latter provision, relating to purchase of supplies, is not repeated.

**ACT MARCH 2, 1903, c. 975.**

**Purchases of stores, etc., for Signal Corps.**

\* \* That hereafter the purchase of signal stores and equipment, or the engagement of services not personal, by the Signal Corps of the Army, may be made by the Signal Corps of the Army in open market in the manner common among business men when the aggregate of the amount required does not exceed two hundred dollars, but every such purchase or employment shall be promptly reported to the Secretary of War.

Act March 2, 1903, c. 975, 32 Stat. 929.

This is a proviso annexed to an appropriation for the Signal Service in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

**Purchases of horses from mounted line officers.**

\* \* That when a mounted officer of the line is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for the private horses which he is required to keep exceeds the sum allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe, to permit the purchase of said horses by the Quartermaster's Department at a price not exceeding the average contract price paid for horses during the preceding fiscal year, from which sum shall be deducted one-seventh of such contract price for each year, or major fraction of a year, which may have elapsed since date of purchase by said officer.

Act March 2, 1903, c. 975, 32 Stat. 937.

This is a further proviso annexed to an appropriation for horses for cavalry and artillery in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

**Purchases of medicines and medical supplies.**

\* \* That hereafter the purchase of medicines and medical stores or the engagement of services not personal for the Medical Department of the Army may be made by the Medical Department in open market in the manner common among business men when the aggregate of the amount required does not exceed two hundred dollars, but every such purchase or employment shall be promptly reported to the Secretary of War.

Act March 2, 1903, c. 975, 32 Stat. 940.

This is a further proviso annexed to an appropriation for the Medical Department in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The Army appropriation act for the fiscal year ending June 30, 1903, Act June 30, 1902, c. 1328, 32 Stat. 518, contained a similar provision, but without the words "That hereafter." The proviso, including those words, as set forth here, is repeated in the Army appropriation acts for the subsequent fiscal years. The provi-

tion for the fiscal year ending June 30, 1906, is by Act March 2, 1903, c. 1307, 33 Stat. 838.

Act Feb. 27, 1893, c. 168, set forth in Comp. St. 1901, p. 2494, provides that the provisions of Rev. St. § 3709 (Comp. St. 1901, p. 2494) requiring advertisements for proposals for purchases and contracts for supplies or services in all Departments, etc., shall not apply to the purchase of medicines and medical supplies.

**Purchases of ordnance and ordnance stores and supplies.**

\* \* And hereafter purchases of ordnance and ordnance stores and supplies may be made by the Ordnance Department in open market in the manner common among business men, when the aggregate of the amount required does not exceed two hundred dollars but every such purchase shall be immediately reported to the Secretary of War.

\* \*

Act March 2, 1903, c. 975, 32 Stat. 942.

This is a further proviso of the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The Army appropriation act for the preceding fiscal year, Act June 30, 1902, c. 1328, 32 Stat. 550, contained a similar provision. It is repeated in the Army appropriation act for the fiscal year ending June 30, 1905, Act April 23, 1904, c. 1485, with the addition, after the words "purchases of ordnance and ordnance stores and supplies," of the words, "and the procurement of services," as set forth below.

The fortifications appropriation acts for recent years require all material purchased under their provisions to be of American manufacture except when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad. The provision for the fiscal year 1906 is by Act March 3, 1905, c. 1402, 33 Stat. 848.

**ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]**

**Purchases of ordnance and ordnance stores and supplies and procurement of services by Ordnance Department.**

Hereafter purchases of ordnance and ordnance stores and supplies and the procurement of services may be made by the Ordnance Department in open market, in the manner common among business men, when the aggregate of the amount required does not exceed two hundred dollars, but every such purchase exceeding one hundred dollars shall be immediately reported to the Secretary of War.

Act April 23, 1904, c. 1485, 33 Stat. 275.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above. A similar provision relating to purchases of ordnance and ordnance stores and supplies, but not including the procurement of services, contained in the Army appropriation act for the preceding year, Act March 2, 1903, c. 975, is set forth above.

**ACT APRIL 28, 1904, c. 1766. [S. 2263.]**

An Act to Require the Employment of Vessels of the United States for Public Purposes. (33 Stat. 518.)

**Transportation of supplies for Army or Navy to be by vessels of United States, unless freight charges are found excessive.**

Be it enacted, &c., That vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description

purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: Provided, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

Act April 28, 1904, c. 1766, § 1, 33 Stat. 518.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect sixty days after its passage.

Act April 28, 1904, c. 1766, § 2, 33 Stat. 519.

**Sec. 3717.**

**Separate proposals required for work, etc.**

Provisions authorizing the Secretary of War to complete all works of improvement for rivers and harbors by contract or otherwise are contained in Act June 13, 1902, c. 1079, § 1, set forth post, under Title LXIII, "Rivers and Harbors," subchapter "Improvement of Rivers and Harbors."

**ACT MARCH 3, 1875, c. 133, § 2.**

**Contracts for material for public improvements; preference to domestic materials and labor.**

The fortifications appropriation acts for recent years require all material purchased under their provisions to be of American manufacture, except in cases when, in the judgment of the Secretary of War, it will be to the manifest interest of the United States to purchase such materials in limited quantities abroad, when they shall be admitted free of duty. The provision for the fiscal year 1906 is by Act March 3, 1905, c. 1402, 33 Stat. 848.

**Sec. 3721.**

**Purchases without advertisements.**

A provision prescribing the construction of the words "ordnance" and "gunpowder," in Rev. St. § 3721, Comp. St. 1901, p. 2500, was contained in Act Aug. 5, 1882, c. 391, 22 Stat. 288, but was repealed by Act July 5, 1884, c. 235, § 4, 23 Stat. 159.

Special provisions for the purchase of ordnance and ordnance stores, etc., by the Ordnance Department, contained in Act March 2, 1903, c. 975, and Act April 23, 1904, c. 1485, are set forth above.

**Sec. 3732.**

**ACT AUG. 15, 1894, c. 290, § 4.**

**Contracts for supplies for Indian Service in advance of appropriations.**

Provisions for the purchase of supplies for the Indian Service, and the letting of contracts, and the hire of labor, are contained in the Indian appropriation acts for recent fiscal years. They relate only to purchases, etc., provided for by other parts of the acts, and are of permanency only as they affect such purchases made under the acts. The provisions for the fiscal year ending June 30, 1906, are by Act March 3, 1905, c. 1479, § 2, 33 Stat. 1077.



**ACT APRIL 28, 1904, c. 1759, § 3. [H. R. 13521.]**

**Purchasing agent for Post-Office Department; appointment; salary; bond; duties; purchases of supplies.**

That there shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post-Office Department, who shall hold office for four years unless sooner removed by the President, and who shall receive an annual salary of four thousand dollars, give bond to the United States in such sum as the Postmaster-General may determine, and report direct to the Postmaster-General; and who shall, under such regulations, not inconsistent with existing law, as the Postmaster-General shall prescribe, and subject to his direction and control, have supervision of the purchase of all supplies for the postal service.

The purchasing agent, in making purchases for supplies necessary for the Post-Office Department, shall advertise, as now provided by law, and award contracts for such supplies to the lowest responsible bidder in pursuance of existing law. The purchasing agent shall keep recorded in a book to be kept for that purpose a true and faithful abstract of all bids made for furnishing supplies to the Post-Office Department, giving the name of the party bidding, the terms of the offer, the sum to be paid, and he shall keep on file and preserve all such bids until the end of the contract term to which they relate. Each bidder shall have the right to be present, either in person or by attorney, when the bids are opened, and shall have the right to examine and inspect the bids. All purchases, advertisements, and contracts for supplies for the Post-Office Department shall be made by the purchasing agent in the name of the Postmaster-General subject to his approval, and in purchasing such supplies preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal. There shall be separate proposals and separate contracts for each class of material furnished. These records shall be open at all times for the inspection of Congress, and for the inspection of those who may be interested in such contracts made, or to be made, to furnish supplies to the Post-Office Department.

Act April 28, 1904, c. 1759, § 3, 33 Stat. 440.

This section is part of the postal appropriation act for the fiscal year ending June 30, 1905, cited above.

**Sec. 3735.****Contracts limited to one year.**

The Postmaster-General is authorized to make contracts for supplies for the "Supply Division" for a term not exceeding four years, by Act April 21, 1902, c. 563, § 1, set forth below.

The Postmaster-General is authorized to make contracts for supplies for postal service, Detroit, Michigan, for a period not exceeding 10 years, by Act March 3, 1903, c. 1009, § 1, set forth post, under Title X "The Postal Service," c. 8.

**ACT APRIL 21, 1902, c. 563, § 1.**

**Contracts for supplies for Supply Division may be made for four years.**

And hereafter the Postmaster-General is authorized to contract

a term not exceeding four years, for the supply of any or all articles enumerated under the head of "Supply Division," when, in his judgment, it shall appear to be for the best interests of the service.

Act April 21, 1902, c. 563, § 1, 32 Stat. 114.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

## **Sec. 3738.**

### **Eight hours to be a day's work.**

Eight hours constitute a day's work in the construction of irrigation works by contract under Act June 17, 1902, c. 1093, by a proviso annexed to section 4 of that act, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation."

**ACT APRIL 28, 1904, c. 1759, § 1. [H. R. 13521.]**

**Material or supplies manufactured by convict labor not to be purchased by Post-Office Department.**

\* \* That hereafter no contract shall be entered into by the Post-Office Department for purchase of material or supplies to be manufactured by convict labor.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 435.

This is a proviso annexed to an appropriation for mail bags, etc., in the postal appropriation act for the fiscal year ending June 30, 1905, cited above.

[TITLE XLIII A.]

[PUBLIC BUILDINGS AND WORKS.]

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**ACT AUG. 1, 1888, c. 728, § 2.**

**Procedure.**

The Secretary of the Interior is authorized to acquire by purchase by condemnation rights or property necessary for the construction of irrigation works for the reclamation of arid lands, by Act June 17, 1902, c. 1093, § 7, ante, under Title XXXII, "The Public Lands," subchapter "Irrigation."

**ACT AUG. 18, 1890, c. 797, § 1.**

**Condemnation of sites, etc., for fortifications and coast defenses; purchases and donations; limitation of expenditure.**

In acquiring sites for fortifications, sufficient land for necessary racks and quarters for the artillery troops required in connection with each of such fortifications is to be purchased or otherwise procured at the same time, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

**ACT AUG. 1, 1892, c. 352.**

**Eight hours' labor in one day for laborers and mechanics on Government works.**

Eight hours constitute a day's work in the construction of irrigation works by contract under Act June 17, 1902, c. 1093, by a provision annexed to section 4 of that act, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation."

**ACT FEB. 20, 1893, c. 146.**

**Plans, drawings, etc., for public buildings may be obtained by contract; supervision of work.**

Provisions for the payment of the expense of preparing plans for public buildings are contained in Act June 28, 1902, c. 1301, § 1, set forth below.

**ACT AUG. 13, 1894, c. 280.**

[Amended. Act Feb. 24, 1905, c. 778.]

This act, set forth in Comp. St. 1901, p. 2523, is amended by Act Feb. 24, 1905, c. 778, to read as set forth below.

**ACT JUNE 6, 1900, c. 785.**

**Use of furniture although not corresponding to regulation plan.**

The provision of this act, set forth in Comp. St. 1901, p. 25



repeated in substantially the same language in the sundry civil appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1906, contained in Act March 3, 1905, c. 1483, § 1, has, instead of the words "in other buildings," or "in other public buildings," used in the previous acts, the words "in other public buildings and in buildings rented by the United States," as set forth below.

Appropriations for the appointment of an inspector of public buildings and for the employment of an inspector of furniture of public buildings are made by provisions of Act June 28, 1902, c. 1301, § 1, set forth below.

**ACT JUNE 6, 1900, c. 791, § 1.**

**Barracks and quarters at seacoast defense posts; limitation on expenditure.**

In acquiring sites for fortifications, land for barracks and quarters for the artillery troops required in connection with each fortification is to be procured at the same time, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

**ACT JUNE 28, 1902, c. 1301, § 1.**

**Plans, etc., for public buildings; expense of preparation, how paid.**

\* \* Hereafter the purchase of specially prepared paper for the duplication of plans, and such other incidental expenses and supplies as the Secretary of the Treasury may deem necessary and specially order for the use of the office of the Supervising Architect, exclusively for the purpose of carrying into effect the various appropriations for public buildings, shall be paid for from and equitably charged against such appropriations, in accordance with existing practice.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 423.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated in the similar appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 1, 32 Stat. 1091.

**Inspector of supplies for public buildings.**

General Inspector of Supplies for Public Buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate three thousand dollars. \* \*

Act June 28, 1902, c. 1301, § 1, 32 Stat. 448.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated in the similar acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1168.

**Inspector of furniture of public buildings.**

Inspector of Furniture and Other Furnishings for Public Buildings: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, personal services, and other current expenses two thousand five hundred dollars. \* \*

Act June 28, 1902, c. 1301, § 1, 32 Stat. 448.

This is a further provision of the sundry civil appropriation act for

the fiscal year ending June 30, 1903, cited above. It is repeated in the similar acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1168.

**Leases of lands in Hawaii for military posts.**

\* \* That the Secretary of War is authorized to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 464.

This is a proviso annexed to an appropriation for military posts in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

**Contracts for improvements in Yellowstone Park.**

Improvement of the Yellowstone National Park: For the improvement of the Yellowstone National Park, in accordance with the approved project, including the maintenance of existing improvements, to be expended by and under the direction of the Secretary of War, two hundred and fifty thousand dollars, to be immediately available: Provided, That the Secretary of War may enter into a contract or contracts for such labor and materials as may be necessary for the completion of the project, including annual maintenance and repairs, or the work may be done and the materials purchased otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in any one year two hundred and fifty thousand dollars, and not to exceed in the aggregate five hundred thousand dollars, exclusive of the amounts herein and heretofore appropriated: And provided further, That of the amounts so appropriated not to exceed fifty thousand dollars may, in the discretion of the Secretary of War, be expended in the Yellowstone forest reserve east of the park, and not to exceed twenty-five thousand dollars may be expended in the Yellowstone and Teton forest reserves south of the park.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 466.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

**ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

**Sites for fortifications to include land for barracks and quarters for artillery troops required in connection therewith.**

\* \* That hereafter in acquiring sites for fortifications it shall be the duty of the Secretary of War, in every case of such acquirement, to purchase or otherwise procure at the same time, under this and future appropriations for this purpose, sufficient land for necessary barracks and quarters for the artillery troops required in connection with each of such fortifications; but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specifically provided.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 497.

This is a proviso annexed to an appropriation for buildings, etc., at military posts in the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

Provisions for the acquisition of sites for fortifications, by condemna-

tion or otherwise, contained in Act Aug. 18, 1890, c. 797, § 1, are set forth in Comp. St. 1901, p. 2518.

**ACT FEB. 24, 1905, c. 778. [H. R. 13626.]**

An Act to Amend an Act Approved August Thirteenth, Eighteen hundred and ninety-four, Entitled "An Act for the Protection of Persons Furnishing Materials and Labor for the Construction of Public Works." (33 Stat. 811.)

**Amendment of Act Aug. 13, 1894, c. 280.**

Be it enacted, &c., That the Act entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works," approved August thirteenth, eighteen hundred and ninety-four, is hereby amended so as to read as follows:

**Bonds of contractors for public buildings or works; rights of persons furnishing labor and materials; remedies on bonds, and proceedings in actions thereon.**

"That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the Department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the circuit court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: Provided, That where suit is

instituted by any of such creditors on the bond of the contractor shall not be commenced until after the complete performance of the contract and final settlement thereof, and shall be commenced not later than one year after the performance and final settlement of said contract and not later: And provided further, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among the claimants and creditors, the full amount of the sureties' liability, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved of further liability: Provided further, That in all suits instituted under the provisions of this Act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition notice of publication in some newspaper of general circulation published in the State or town where the contract is being performed at least three successive weeks, the last publication to be at least three months before the time limited therefor."

Act Feb. 24, 1905, c. 778, 33 Stat. 811.

Act Aug. 13, 1894, c. 280, amended by this act, is set forth in Act St. 1901, p. 2523.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

**Use of furniture although not corresponding to regulation plan.**

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric-light fixtures, for all public buildings, exclusive of marine hospitals, mints, branch mints, and offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, and for the maintenance of personal services, except for work done by contract. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used as far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1168.

A similar provision contained in Act June 6, 1900, c. 785, repeated in subsequent similar appropriation acts, is set forth in Act St. 1901, p. 2525.

## TITLE XLIV.

### THE PUBLIC PROPERTY.

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#### **Sec. 3751.**

**ACT AUG. 7, 1882, c. 433, § 1.**

[Superseded. Act March 3, 1903, c. 1007, § 1.]

The provision of this act set forth in Comp. St. 1901, p. 2529, is superseded by the more comprehensive and permanent provision contained in Act March 3, 1903, c. 1007, § 1, set forth below.

**ACT MARCH 3, 1903, c. 1007, § 1.**

**Secretary of Treasury may sell lands acquired by United States by devise.**

The Secretary of the Treasury is authorized to sell such lands as have been or may hereafter be acquired by the United States by devise, upon such terms and after such public notice by advertisement as he may deem best for the public interest.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1112.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above. It supersedes a provision of Act Aug. 7, 1882, c. 433, § 1, Comp. St. 1901, p. 2529, which authorized the Secretary of the Treasury to "sell such lands as have been acquired by devise," etc.

# TITLE XLV.

## PUBLIC PRINTING, ADVERTISEMENT AND PUBLIC DOCUMENTS.

### Secs. 3756-3822.

**ACT JAN. 12, 1895, c. 23, §§ 37, 54, 55, 61, 68, 73, 94.**

**Congressional Record; extracts for Congressmen; mailing envelopes and franks.**

[Amended. Act Jan. 30, 1904, c. 39.]

Section 37 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. p. 2547, is amended by inserting, in the second paragraph of the section, which provides for furnishing to Members of Congress blank franks for public documents, after the words "blank franks," the words, "printed on sheets and perforated, or singly, at the option of said Senators, Members, and Delegates," by Act Jan. 30, 1904, c. 39, set forth below.

The Public Printer is required to furnish the Department of Agriculture with franks for use by the Department for the distribution of such franks by Res. May 19, 1902, No. 23, set forth below.

**"Usual number" of documents and reports; distribution of House and Senate documents and reports; style of binding.**

[Amended. Act Jan. 20, 1905, c. 50, § 1.]

Section 54 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. p. 2552, is amended by adding at the end thereof an additional paragraph, which provides that the "usual number" of reports on public bills shall not be printed, and prescribes the number to be printed and the distribution thereof, by Act Jan. 20, 1905, c. 50, § 1, set forth below.

The last paragraph of section 54 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2553, which provides for the reservation of unstitched form of the public documents and reports, the distribution of which is unprovided for by the preceding paragraphs of the section, is amended to be bound in the number provided by law, upon orders from the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House, and for the delivery of such documents if not called for and delivered to the Vice-President, etc., within two years after printing, in unbound form to the superintendent of documents for distribution, is modified by Res. June 30, 1902, No. 86, set forth below, which provides for the binding and delivery of such documents if not called for and delivered within two years after printing, to the superintendent of documents for distribution to libraries.

**Bills and resolutions; number and distribution; "private bills" defined.**

[Amended. Act Jan. 20, 1905, c. 50, § 2.]

Section 55 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. p. 2554, is amended by changing the numbers of copies of bills and resolutions to be printed, and the distribution thereof, by Act Jan. 20, 1905, c. 50, § 2, set forth below.



**Superintendent of Documents; sale of documents; disposition of proceeds.**

The reprinting, from time to time, on the order of the Superintendent of Documents, of such public documents as may be required for sale, as provided for by section 61 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2557, is authorized by Res. March 28, 1904, No. 11, set forth below.

**Distribution of documents to members of Congress.**

Section 68 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2559, is amended, principally by including the Sergeant-at-Arms, as well as the Clerk and Doorkeeper, of the House of Representatives in the provisions for distribution of documents, by Act April 6, 1904, c. 862, set forth below.

**Extra copies of documents and reports; style of binding; number and allotment.**

[Amended. Act Jan. 30, 1903, c. 338. Act April 28, 1904, c. 1791.]

The provisions of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, pp. 2561-2577, are amended and modified in numerous particulars as to the numbers and allotment of copies of documents, reports, etc., and other matters, by amendments and other provisions modifying those of section 73, which are set forth below, and are referred to here specifically under the headings of the particular paragraphs of the section amended or otherwise affected.

**Ephemeris and Nautical Almanac; sale.**

The printing of the "usual number" of the Ephemeris and Nautical Almanac, the printing and distribution of which were regulated by paragraph 5 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2562, is discontinued by Res. May 13, 1902, No. 20, set forth below, and in lieu thereof the printing of 1,100 copies is authorized.

**Report of Bureau of Ethnology.**

The bulletins issued by the Bureau of American Ethnology are to be in octavo size, instead of royal octavo, by Res. March 29, 1904, No. 14, set forth below.

**Report of Geological Survey.**

The report of the Director of the Geological Survey, the printing and distribution of which were regulated by paragraph 15 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2563, is limited to one volume of royal octavo size, by Res. May 16, 1902, No. 22, set forth below. Said resolution provides also for the printing of additional copies of any of the reports of the Survey when those already printed shall have become exhausted. It further provides that the Director of the Survey shall transmit to the Library of Congress two copies of every report of the Bureau, in addition to those already required to be so delivered.

**Pamphlet copies of statutes.**

Paragraph 20 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2566, which provides for the distribution of pamphlet copies of the statutes of each session of Congress, is amended by striking out the words "to the Department of Labor, five copies," and inserting after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, three hundred copies," by a provision of Act April 28, 1904, c. 1791, set forth below.

**Statutes at Large.**

Paragraph 24 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2567, which provides for the distribution of the bound volumes of the Statutes at Large enacted by each Congress, is amended by striking out the words "to the Department of Labor, five

copies," and inserting after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, including those for the officers of the immigration service, three hundred copies," by a provision of Act April 28, 1904, c. 1791, set forth below.

The marginal references of the Statutes at Large for the Fifty-Eighth and subsequent Congresses are to include the number of the bill or resolution under which each act was approved and became a law, by Res. April 12, 1904, No. 20, set forth below.

#### **Congressional Record; subscriptions.**

Two paragraphs of that part of section 73 of Act Jan. 12, 1895, c. 23, relating to the distribution of the Congressional Record, being paragraphs 46 and 55 of that section, set forth in Comp. St. 1901, p. 2572, are amended by making several changes in and additions to the numbers of copies of the Congressional Record to be furnished gratuitously, by Act Jan. 30, 1903, c. 338, set forth below.

#### **Official Records of the Rebellion.**

Besides the provisions for the distribution of copies of the Official Records of the Rebellion, contained in paragraph 61 of section 73 of Act Jan. 12, 1895, c. 23, Comp. St. 1901, p. 2573, and in Act June 6, 1900, c. 791, § 1, Comp. St. 1901, p. 2599, the Secretary of War is authorized to furnish two sets of the Official Records of the Rebellion to each member of the Fifty-Seventh Congress, and two sets to such permanent libraries and educational institutions as may be designated by such members, and for the purpose of furnishing such copies the Secretary is authorized to call upon the Public Printer to print and bind such additional volumes as may be necessary, and the plates are then to be destroyed, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

#### **Official Register; preparation; contents.**

Paragraph 68 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2575, which provides for the printing and distribution of the Official Register, is amended by striking out the words "to the Department of Labor, four copies," and the words "to the Commissioner of Fish and Fisheries, two copies," and inserting after the words "to the Department of Agriculture, fifteen copies," the words "to the Department of Commerce and Labor, one hundred and fifty copies," by a provision of Act April 28, 1904, c. 1791, set forth below.

The Comptroller of the Currency is required annually to transmit to the Secretary of the Interior a full and complete list of the officers, agents, clerks, and other employés in his office for publication in the Official Register, by a provision of Act April 28, 1902, c. 594, § 1, set forth below.

#### **Patent-Office printing; Lithographing, etc.**

The legislative, executive, and judicial appropriation acts for recent fiscal years, and various deficiency appropriation acts, after making appropriations for producing the Official Gazette, copies of drawings of the weekly issue of patents, copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies of drawings and specifications, provide that such work shall be done as provided by the provisions of this act (Comp. St. 1901, pp. 2575-2577), and contain a further proviso to the effect that such work may be done at the Government Printing Office, if, in the judgment of the Joint Committee on Printing, or, where there shall be no Joint Committee, of the Committee of either house, it shall be deemed to be for the best interests of the Government. The provision for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 673.

The diplomatic and consular appropriation acts for recent fiscal years contain a proviso by which the Public Printer is authorized to print an edition of the Monthly Bulletin of the Bureau of American Republics, of not to exceed 5,000 copies, for distribution every month during



the fiscal year. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 920.

Of the annual and special reports of the Librarian of Congress, 5,000 copies are to be printed and bound in cloth for the use of the Library of Congress, by Res. Feb. 24, 1904, No. 8, set forth below.

The printing of 500 copies, in addition to the usual number, of the annual reports of the Board of Managers of the National Home for Disabled Volunteer Soldiers, is provided for by Res. March 31, 1904, No. 15, set forth below.

The printing and distribution of 8,000 copies of the Report of the Director of the Office of Experiment Stations are provided for by Res. April 27, 1904, No. 29, set forth below.

The printing of certain bulletins of the Public Health and Marine-Hospital Service, and the printing and distribution of the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service, are provided for by Res. Feb. 24, 1905, No. 21, set forth below.

The printing of copies, not to exceed 5,000 in any one fiscal year, of the annual report of the Bureau of Immigration, is provided for by Res. March 3, 1905, No. 33, set forth below.

#### **Restrictions on printing.**

Besides the restrictions on printing contained in Act Jan. 12, 1895, c. 23, § 94, Comp. St. 1901, p. 2585, further restrictions upon printing and binding for Congress as well as for the Executive Departments, etc., contained in Acts March 3, 1905, c. 1483, § 1, and c. 1484, § 1, are set forth below.

#### **ACT MARCH 2, 1895, c. 189, § 1.**

##### **Geological Survey; report on mineral resources; pamphlets; monographs and bulletins.**

Besides the provisions of Act March 2, 1895, c. 189, § 1, set forth in Comp. St. 1901, p. 2591, relating to the publication and distribution of the reports, etc., of the Geological Survey, further provisions on the subject are contained in Res. May 16, 1902, No. 22, set forth below.

Provisions for the distribution to public libraries of the publications of the Geological Survey are contained in Act March 3, 1903, c. 1007, § 1, set forth below.

#### **ACT JUNE 11, 1896, c. 420, § 1.**

##### **Geological Survey; reports on gauging of streams and utilization of water resources.**

So much of this section, set forth in Comp. St. 1901, p. 2595, as restricts the reports of the Geological Survey in relation to the gauging of streams and to the method of utilizing the water resources to volumes in octavo form of not more than 100 pages in length and to editions of 5,000 copies, is rescinded by Res. May 16, 1902, No. 22, set forth below.

#### **RES. FEB. 23, 1901, No. 8.**

[Amended. Res. March 14, 1904, No. 9.]

This resolution, set forth in Comp. St. 1901, p. 2600, providing for the printing and distribution of the Report on Field Operations, Division of Soils, Department of Agriculture, is amended by Res. March 14, 1904, No. 9, to read as set forth below.

#### **RES. MARCH 2, 1901, No. 16, § 1.**

##### **Distribution of documents to Library of Congress.**

Two additional copies of every report of the Geological Survey are

required to be deposited in the Library of Congress, by Res. May 16, 1902, No. 22, set forth below.

**RES. MARCH 2, 1901, No. 17.**

**Report of Geological Survey; additional copies of certain parts.**

Provisions for the publication of additional copies of any of the reports of the Geological Survey whenever they become exhausted are contained in Res. May 16, 1902, No. 22, set forth below.

**ACT APRIL 28, 1902, c. 594, § 1.**

**Official Register; report of Comptroller of the Currency.**

\* \* That for the fiscal year of nineteen hundred and two and thereafter, a full and complete list of all officers, agents, clerks, and other employees of the office of the Comptroller of the Currency, including bank examiners, receivers and attorneys for receivers, and clerks employed by such examiners and receivers, or any other person connected with the work of said office in Washington or elsewhere, whose salary or compensation is paid from the Treasury of the United States or assessed against or collected from existing or failed banks under their supervision or control, shall be transmitted to the Secretary of the Interior in accordance with the provisions of an Act of Congress approved January twelfth, eighteen hundred and eighty-five, relating to the Official Register. \* \*

Act April 28, 1902, c. 594, § 1, 32 Stat. 138.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

The reference in this provision to Act Jan. 12, 1885, is evidently intended for Act Jan. 12, 1895, c. 23, § 73, the provision of which, relating to the publication of the Official Register, is set forth in Comp. St. 1901, p. 2574.

**RES. MAY 13, 1902, No. 20.**

Joint Resolution Providing for the Printing of the American Ephemeris and Nautical Almanac. (32 Stat. 740.)

**Ephemeris and Nautical Almanac; number of copies printed.**

Resolved, &c., That hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound one thousand one hundred copies of the same, uniform with the editions printed for the Navy Department, as provided in section seventy-three, paragraph five, of an Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing, binding, and distribution of public documents; one hundred copies for the Senate, four hundred for the House, and six hundred for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

Res. May 13, 1902, No. 20, 32 Stat. 740.

This resolution suspends the printing of the "usual number" of the Ephemeris and Nautical Almanac, as provided for by Act Jan. 12, 1895, c. 23, § 73, set forth in Comp. St. 1901, p. 2562.

**RES. MAY 16, 1902, No. 22.**

Joint Resolution Relating to Publications of the Geological Survey.  
(32 Stat. 741.)

**Publications of Geological Survey; size of volumes; editions; additional copies; free distribution of bulletins, etc.; reports on gauging of streams and utilization of water resources; additional copies of reports for Library of Congress.**

Resolved, &c., That hereafter the publications of the Geological Survey shall consist of the annual report of the Director, which shall be confined to one volume of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; mineral resources, of ordinary octavo size; water-supply and irrigation papers, of ordinary octavo size; and such maps, folios, and atlases as may be required by existing law.

That hereafter the reports of the Geological Survey, except the annual report of the Director, shall be published in editions as recommended in each case by the Director and approved by the Secretary of the Interior, but not to exceed ten thousand copies.

That whenever the edition of any of the reports of the Survey shall have become exhausted, and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the Director of the Survey shall state will, in his judgment, be necessary to meet the demand.

That the bulletins and professional papers shall be distributed gratuitously, and not sold; and that of the number published one thousand copies shall be delivered to the Senate and two thousand copies shall be delivered to the House of Representatives for distribution.

That the provision of law approved June eleventh, eighteen hundred and ninety-six, restricting the water-supply papers to one hundred pages and to editions of five thousand copies shall be, and hereby is, rescinded.

That the Director of the Survey shall transmit to the Library of Congress two copies of every report of the Bureau as soon as the first delivery to the Survey is made, such copies to be additional to those received by the Library of Congress under existing law.

Res. May 16, 1902, No. 22, 32 Stat. 741.

Previous provisions of law relating to the reports of the Geological Survey are contained in Act Jan. 12, 1895, c. 23, § 73, Comp. St. 1901, p. 2563; Act March 2, 1895, c. 189, § 1, Comp. St. 1901, p. 2591; Res. Feb. 26, 1896, No. 19, Comp. St. 1901, p. 2594; Act June 11, 1896, c. 420, § 1, Comp. St. 1901, p. 2595; Res. Feb. 18, 1897, No. 13, Comp. St. 1901, p. 2596; and Res. March 2, 1901, No. 17, Comp. St. 1901, p. 2602. See, also, Act March 3, 1903, c. 1007, § 1, set forth below.

Act June 11, 1896, c. 420, § 1, mentioned in this resolution, is set forth in Comp. St. 1901, p. 2595.

**RES. MAY 19, 1902, No. 23.**

Joint Resolution Providing for the Printing Annually of Franks Required for Sending out Seed. (32 Stat. 741.)

**Franks for Department of Agriculture for mailing seeds.**

Resolved, &c., That the Public Printer shall furnish to the Depart-

ment of Agriculture such franks as the Secretary of Agriculture require for sending out seeds on Congressional orders, the franks have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States, Territories, and the words "United States Department of Agriculture Congressional Seed Distribution", or such other printed matter as the Secretary of Agriculture may direct; the franks to be of the size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the appropriation for printing and binding for the two Houses of Congress.

Res. May 19, 1902, No. 23, 32 Stat. 741.

Such franks are also required to be furnished by the Public Printer to Senators, Representatives, and Delegates in Congress by the provisions relating to the distribution of seeds, etc., contained in Act March 3, 1905, c. 1405, set forth ante, under Title XII, "The Department of Agriculture," c. A, which re-enact previous provisions, set forth ante, in Comp. St. 1901, p. 291.

**ACT JUNE 28, 1902, c. 1301, § 1.**

**Supplies for Executive Departments to be furnished by Public Printer.**

The Public Printer is authorized hereafter to procure and supply on the requisition of the head of any Executive Department or Government establishment, complete manifold blanks, books, forms, required in duplicating processes; also complete patent devices with which to file money-order statements, or other unofficial papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 481.

This is a provision of the sundry civil appropriation act for the year ending June 30, 1903, cited above.

**RES. JUNE 30, 1902, No. 36.**

Joint Resolution Providing for the Binding and Distribution of Public Documents Held in the Custody of the Superintendent of Documents, Unbound, Upon Orders of Senators, Representatives, Delegates, and Officers of Congress, when Such Documents are Not Called for within Two Years after Printing. (32 Stat. 746.)

**Binding and distribution to libraries of reserved sets of documents and reports.**

Resolved, &c., That hereafter the documents reserved for binding upon orders of Senators, Representatives, Delegates, and Officers of Congress, as provided in paragraph six, section fifty-four, Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing and binding and the distribution of public documents, if not called for and delivered within two years after printing, shall be bound in first grades of cloth and delivered to the Superintendent of Documents for distribution to libraries; and the Public Printer is hereby authorized and directed to bind in cloth

such documents heretofore delivered to the Superintendent of Documents for like distribution.

Res. June 30, 1902, No. 36, 32 Stat. 746.

This resolution modifies so much of Act Jan. 12, 1895, c. 23, § 54, set forth in Comp. St. 1901, p. 2553, as provides for the delivery of certain documents and reports after a certain time to the Superintendent of Documents in unstitched form for delivery.

**ACT JAN. 30, 1903, c. 338.**

An Act to Amend an Act Approved March Second, Eighteen Hundred and Ninety-Five, Relating to Public Printing. (32 Stat. 786.)

**Congressional Record; subscriptions.**

Be it enacted, &c., That the first and tenth paragraphs of the printing Act of January twelfth, eighteen hundred and ninety-five, following the paragraph which reads "The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto" be amended by striking out of said first paragraph the words "forty-four" between the word "Senator" and "copies" in the first line and insert in lieu thereof the words "eighty-eight"; and by striking out the word "thirty" between the words "Delegate" and "copies" in the fourth line of said first paragraph and insert in lieu thereof the word "sixty"; and by inserting in the ninth line of said first paragraph after the word "copies" and before the word "to" the following: "and to the Clerk for the use of members of the House of Representatives fifty copies, and to the Sergeant-at-Arms of the Senate, for the use of the Senate, twenty copies." And amend said tenth paragraph by inserting in the third line thereof between the words "Museum" and "one" the words, "the Department of Labor and Civil Service Commission" and further amend said tenth paragraph by striking out in the second line the word "and" between the words "Institution" and "the."

Act Jan. 30, 1903, c. 338, 32 Stat. 786.

Act Jan. 12, 1895, c. 23, § 73, the first and tenth clauses of one paragraph of which are amended by this act, is set forth, as previously amended by Res. Mar. 19, 1896, No. 31, in Comp. St. 1901, p. 2572.

Act March 2, 1895, c. 189, which is, apparently, the act mentioned in the title of this act as amended, contains, in section 1 thereof, provisions relating to public printing, etc., which are set forth in Comp. St. 1901, pp. 2590-2593.

**ACT MARCH 3, 1903, c. 1007, § 1.**

**Official Records of the Rebellion; distribution; additional numbers to be printed and bound to complete sets; plates to be destroyed.**

The Secretary of War is authorized and directed to furnish to each Senator, Representative, and Delegate to the Fifty-seventh Congress one set of the Official Records of the Rebellion, and to furnish two sets of said Records to such permanent libraries and educational institutions as may be designated by each of the said Senators, Representatives, and Delegates, and for this purpose there shall be used any volumes or parts of volumes remaining unsold or unclaimed by beneficiaries heretofore

designated to receive them: Provided, That the Secretary of may call upon the Public Printer to print and bind such additional numbers of the several volumes and maps as may be necessary to complete the sets herein provided for, and that when such additional volumes shall have been printed the plates used in printing the sets and heretofore authorized shall be destroyed.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1145.

This is a provision of the sundry civil appropriation act for the year ending June 30, 1904, cited above.

Previous provisions relating to the printing and distribution of Official Records of the Rebellion are contained in Act Jan. 12, c. 23, § 73, and Act June 6, 1900, c. 791, § 1, set forth in Comp. 1901, pp. 2573, 2599.

#### **Distribution of publications of Geological Survey to public libraries.**

For the United States Geological Survey. \* \* For printing and binding the Annual Report of the Director, the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources \* \* and the Director of the Geological Survey shall hereafter distribute to public libraries that have not already received them such copies of sale publications as may remain on hand at the expiration of five years after date of delivery to the Survey document room, excepting a reserve number not to exceed two hundred copies. \* \*

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1146.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

The word "sale," preceding the word "publications," in this provision is intended, apparently, for "said."

#### **ACT JAN. 30, 1904, c. 39. [S. 2121.]**

An Act to Amend an Act Entitled "An Act Providing for the Printing and Binding and the Distribution of Public Documents," (33 Stat. 9.)

#### **Amendment of Act Jan. 12, 1895, c. 23, § 37; blank franks for members of Congress.**

Be it enacted, &c., That chapter twenty-three of the Statutes of the United States entitled "An Act providing for public printing and binding and the distribution of public documents," approved January twelfth, eighteen hundred and ninety-five (Statutes at Large, twenty-eight, page six hundred and six), be, and is hereby, amended by inserting after the words "blank franks," where they occur in the second paragraph of section thirty-seven of said chapter, the following words: "printed on sheets and perforated, or singly, at the option of Senators, Members, and Delegates."

Act Jan. 30, 1904, c. 39, 33 Stat. 9.

Act Jan. 12, 1895, c. 23, § 37, amended by this act, is set forth in Comp. St. 1901, p. 2547.

#### **RES. FEB. 24, 1904, No. 8. [S. J. R. 37.]**

Joint Resolution Providing for the Editions to be Printed of the



nual and Special Reports of the Librarian of Congress. (33 Stat. 583.)

**Reports of Librarian of Congress.**

Resolved, &c., That of the annual and special reports of the Librarian of Congress hereafter submitted to Congress, but including the report for nineteen hundred and three, there be printed and bound in cloth five thousand copies for the use of the Library of Congress.

Res. Feb. 24, 1904, No. 8, 33 Stat. 583.

**RES. MARCH 14, 1904, No. 9. [H. J. R. 106.]**

Joint Resolution Amending Public Resolution Numbered Eight, Fifty-sixth Congress, Second Session, Approved February Twenty-third, Nineteen hundred and one, "Providing for the Printing Annually of the Report on Field Operations of the Division of Soils, Department of Agriculture." (33 Stat. 583.)

**Amendment of Res. Feb. 23, 1901, No. 8.**

Resolved, &c., That public resolution numbered eight, Fifty-sixth Congress, second session, approved February twenty-third, nineteen hundred and one, be amended by striking out all after the resolving clause and inserting in lieu thereof the following:

**Report on Field Operations, Division of Soils, Department of Agriculture; advance sheets.**

That there shall be printed ten thousand five hundred copies of the report on field operations of the Division of Soils, Department of Agriculture, of which one thousand five hundred copies shall be for the use of the Senate, three thousand copies for the use of the House of Representatives, and six thousand copies for the use of the Department of Agriculture: Provided, That in addition to the number of copies above provided for there shall be printed, as soon as the manuscript can be prepared, with the necessary maps and illustrations to accompany it, a report on each area surveyed, in the form of advance sheets, bound in paper covers, of which five hundred copies shall be for the use of each Senator from the State, two thousand copies for the use of each Representative for the Congressional district or districts in which the survey is made, and one thousand copies for the use of the Department of Agriculture.

Res. March 14, 1904, No. 9, 33 Stat. 583.

Res. Feb. 23, 1901, No. 8, amended by this resolution, is set forth in Comp. St. 1901, p. 2600. The amendment changes the number of copies of the report to be printed and the allotment of them for distribution, and adds the proviso for the preparation, printing, and distribution of advance sheets.

**RES. MARCH 28, 1904, No. 11. [S. J. R. 53.]**

Joint Resolution Authorizing the Reprinting of Certain Documents to be Sold by the Superintendent of Documents. (33 Stat. 584.)

**Reprinting documents required for sale.**

Resolved, &c., That there shall be printed three thousand copies of the Special Report on Diseases of the Horse and fifteen hundred copies

of the Special Report on the Diseases of Cattle, for sale by the superintendent of documents under the provisions of section sixty-one of an Act providing for the public printing, binding, and the distribution of documents, approved January twelfth, eighteen hundred and ninety-five; and the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale, such order for reprinting to be subject to the approval of the Secretary or head of the Department in which such public document shall have originated: Provided, That the appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the superintendent of documents from the sale of public documents.

Res. March 28, 1904, No. 11, 33 Stat. 584.

Act June 12, 1895, c. 23, § 61, mentioned in this resolution, which provides for the appointment of the Superintendent of Documents, and the sale of public documents by him, is set forth in Comp. St. 1901, p. 2557.

**RES. MARCH 29, 1904, No. 14. [H. J. R. 133.]**

Joint Resolution Providing that the Bulletins of the Bureau of American Ethnology be Printed in Octavo. (33 Stat. 585.)

**Bulletins of Bureau of American Ethnology.**

Resolved, &c., That hereafter the bulletins issued by the Bureau of American Ethnology shall be in octavo size instead of royal octavo.

Res. March 29, 1904, No. 14, 33 Stat. 585.

The printing and distribution of the reports of the Bureau of Ethnology are provided for by a paragraph of Act Jan. 12, 1895, c. 23, § 73, set forth in Comp. St. 1901, p. 2563.

**RES. MARCH 31, 1904, No. 15. [H. J. R. 55.]**

Joint Resolution Providing for the Publication of the Reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the Fiscal Year Ending June Thirtieth, Nineteen hundred and three. (33 Stat. 585.)

**Report of managers and inspectors of National Home for Disabled Volunteer Soldiers.**

Resolved, &c., That there shall be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June thirtieth, nineteen hundred and three, in addition to the usual number, for the use of the National Homes for Disabled Volunteer Soldiers, five hundred copies of the report proper, bound in cloth; two hundred copies of the report of the inspection of the State Homes, bound in paper, and two hundred copies of the record of members, bound in cloth; and that hereafter the additional number of copies herein named of future annual reports of the Board of Managers of the National Home for Disabled Volunteer Soldiers, bound in the same manner as above described, shall be printed for the use of the National Homes.

Res. March 31, 1904, No. 15, 33 Stat. 585.

An annual report to Congress by the Board of Managers of the



Home is required by Rev. St. § 4834, Comp. St. 1901, p. 3347, and a report to Congress of the inspection each year of the Home by an officer of the Inspector-General's Department is required by a provision of Act Aug. 18, 1894, c. 301, § 1, set forth in Comp. St. 1901, p. 3550.

**ACT APRIL 6, 1904, c. 862. [H. R. 10866.]**

An Act to Amend Section Sixty-eight, Chapter Twenty-three, of Volume Twenty-eight of the United States Statutes at Large. (33 Stat. 159.)

**Amendment of Act Jan. 12, 1895, c. 23, § 68.**

Be it enacted, &c., That section sixty-eight, chapter twenty-three, of volume twenty-eight of the United States Statutes at Large be, and the same is hereby, amended so that it shall read as follows:

**Distribution of documents to members of Congress.**

"Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full membership of each or either House, including the Secretary and Sergeant-at-Arms of the Senate and Clerk, Sergeant-at-Arms, and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the superintendent of documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of such sets, and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate."

Act April 6, 1904, c. 862, 33 Stat. 159.

Act Jan. 12, 1895, c. 23, § 68, amended by this act, is set forth in Comp. St. 1901, p. 2559. The amendment consists in the insertion, after the words "and Clerk," of the words, "Sergeant-at-Arms," with some verbal changes.

**RES. APRIL 12, 1904, No. 20. [H. J. R. 143.]**

Joint Resolution Amending the Law Relating to the Printing of the Statutes. (33 Stat. 587.)

**Statutes at Large; marginal references to include number designating bill or resolution.**

Resolved, &c., That the Secretary of State be, and he is hereby, directed to include in the marginal references of the United States Statutes at Large for the Fifty-eighth and subsequent Congresses, the Number of the Senate Bill, House Bill, Senate Joint Resolution, or House Joint Resolution (designating same as S. for Senate Bill, H. R. for

House Bill, S. J. Res. for Senate Joint Resolution and H. J. Res. for House Joint Resolution, as the case may be) under which each Act approved and became a law, said marginal reference to be placed within brackets immediately under the marginal date of the approval of the Act at the beginning of each chapter as the same is now printed.

Res. April 12, 1904, No. 20, 33 Stat. 587.

Provisions for the editing, printing, etc., and distribution of pamphlet copies of the statutes of each session, and of the volumes of the Statutes at Large, are contained in Act Jan. 12, 1895, c. 23, Comp. St. 1901, pp. 2566, 2567.

**RES. APRIL 27, 1904, No. 29. [H. J. R. 103.]**

Joint Resolution Providing for Printing Annually the Report of the Director of the Office of Experiment Stations, Department of Agriculture. (33 Stat. 590.)

**Report of Director of Office of Experiment Stations.**

Resolved, &c., That there be printed eight thousand copies of the report of the Director of the Office of Experiment Stations, prepared under the supervision of the Secretary of Agriculture, on the work and expenditures of that office and of the agricultural experiment stations established in the several States and Territories under the Act of Congress of March second, eighteen hundred and eighty-seven, for nineteen hundred and three, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report heretofore provided.

Res. April 27, 1904, No. 29, 33 Stat. 590.

Act March 2, 1887, c. 314, mentioned in this resolution, is set out in Comp. St. 1901, p. 3218.

**ACT APRIL 28, 1904, c. 1791. [S. 5597.]**

An Act to Amend an Act Entitled "An Act Providing for the Printing and Binding and the Distribution of Public Documents," approved January 12, 1895 (33 Stat. 542.)

**Amendment of Act Jan. 12, 1895, c. 23, § 73.**

Be it enacted, &c., That chapter twenty-three of the Statutes of the United States entitled "An Act providing for public printing and binding and the distribution of public documents," approved January twelfth, eighteen hundred and ninety-five (Statutes at Large, two volumes, page eight, page six hundred and six), be, and is hereby, amended as follows:

**Extra copies of documents and reports; number and allotment; pamphlet copies of statutes; Statutes at Large; Official Register.**

In paragraph twenty of section seventy-three, strike out the words "to the Department of Labor, five copies;" and insert after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, three hundred copies."

In paragraph twenty-four of section seventy-three, strike out

words "to the Department of Labor, five copies;" and insert after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, including those for the officers of the immigration service, three hundred copies."

In paragraph sixty-eight of section seventy-three, strike out the words "to the Department of Labor, four copies;" and also the words "to the Commissioner of Fish and Fisheries, two copies;" and insert after the words "to the Department of Agriculture, fifteen copies," the words "to the Department of Commerce and Labor, one hundred and fifty copies."

Act April 28, 1904, c. 1791, 33 Stat. 542.

Act Jan. 12, 1895, § 73, amended by this act, is set forth in Comp. St. 1901, pp. 2561-2577; paragraph 20, relating to the distribution of pamphlet copies of the statutes of each Congress, on page 2566; paragraph 24, relating to the distribution of the volumes of the Statutes at Large, on page 2567; and paragraph 68, relating to the printing and distribution of the Official Register, on page 2575.

**ACT JAN. 20, 1905, c. 50. [H. R. 15225.]**

An Act to Amend the Act Relating to the Printing and Distribution of Public Documents, and for Other Purposes. (33 Stat. 610.)

**Amendment of Act Jan. 12, 1895, c. 23, § 54.**

Be it enacted, &c., That the Act entitled "An Act providing for the public printing and binding and distribution of public documents," approved January twelfth, eighteen hundred and ninety-five, be amended as follows:

That section fifty-four of said Act is hereby amended by adding at the end thereof as follows:

**Reports on private bills; number of copies to be printed; distribution.**

That hereafter the usual number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate report on a private bill, simple or concurrent resolution, three hundred and forty-five copies, which shall be distributed as follows: To the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, two hundred and sixty copies, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies: Provided, That nothing contained in this Act shall be construed to prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries: Provided, That not less than twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room.

Act Jan. 20, 1905, c. 50, § 1, 33 Stat. 610.

Act Jan. 12, 1895, c. 23, § 54, amended by this section, is set forth in Comp. St. 1901, p. 2552.

**Amendment of Act Jan. 12, 1895, c. 23, § 55.**

Sec. 2. That section fifty-five of said Act is hereby amended to read as follows:

**Bills and resolutions; number and distribution; "private bills" defined.**

"Sec. 55. There shall be printed of each Senate and House bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows: To the Senate document room, two hundred and twenty-five copies; office of Secretary of Senate, fifteen copies; House document room, three hundred and eighty-five copies. There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows: To the Senate document room, one hundred and seventy copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies. There shall be printed of each House private bill, when introduced, when reported, and when passed, two hundred and sixty copies, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies. The term 'private bill' shall be construed to mean all bills for the relief of private parties, bills granting pensions, bills removing political disabilities, and bills for the survey of rivers and harbors. All bills and resolutions shall be printed in bill form, and, unless specially ordered by either House, shall only be printed when referred to a committee when favorably reported back, and after their passage by either House. Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and the same shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies."

Act Jan. 20, 1905, c. 50, § 2, 33 Stat. 611.

Act Jan. 12, 1895, c. 23, § 55, amended by this section, is set forth in Comp. St. 1901, p. 2554. The amendment makes changes in the number of copies to be printed and the distribution of bills and resolutions.

**RES. FEB. 24, 1905, No. 21. [H. J. R. 216.]**

Joint Resolution Providing for the Publication of the Annual Reports and Bulletins of the Hygienic Laboratory and of the Yellow Fever Institute of the Public Health and Marine-Hospital Service. (Stat. 1283.)

**Bulletins of Public Health and Marine-Hospital Service.**

Resolved, &c., That there shall be printed each year the bulletins of the hygienic laboratory, not exceeding ten in number in any one year, and of the yellow fever institute of the Public Health and Marine-Hospital Service of the United States, not exceeding five in number in any one year, in such editions, not exceeding five thousand copies in

one year, as the interests of the Government and the public may require, subject to the discretion of the Secretary of the Treasury.

Res. Feb. 24, 1905, No. 21, § 1, 33 Stat. 1283.

**Report of Surgeon-General of Public Health and Marine-Hospital Service.**

Sec. 2. That there shall be printed each year four thousand copies of the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service, bound in cloth, to be distributed by the Surgeon-General.

Res. Feb. 26, 1905, No. 21, § 2, 33 Stat. 1284.

An annual report by the Surgeon-General of the service is required by Act July 1, 1902, c. 1370, § 9, set forth post, under Title LVIII, "The Public Health."

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

**Requirements of reports recommending printing and binding for Congress.**

For printing and binding for Congress, including the proceedings and debates, and for rents, \* \* And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1212.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. The requirements as to reports recommending printing and binding chargeable to the appropriation are repeated in the same language in the similar acts from year to year in connection with the appropriations for the same objects, although the use in each act, of the words "this appropriation," appears to limit the application of the provision to the appropriation for the particular year.

**Restrictions on use of appropriations made for printing and binding, for illustrations, etc.**

\* \* That hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1213.

This is a proviso annexed to the appropriations for public printing and binding in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

Previous similar provisions, but without the word "hereafter," and applicable only to the appropriations therein made, were contained in the sundry civil appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 3, 32 Stat. 1147.

Previous restrictions on printing engravings, etc., and illustrations,



are contained in Act Jan. 12, 1895, c. 23, § 94, set forth in 1901, p. 2585.

**ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]**

**Restrictions on printing for Executive Departments.**

Hereafter no book or document not having to do with the business transactions of the Executive Departments shall be printed on the requisition of any Executive Department or unless it shall have been expressly authorized by Congress.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1249.

This is a provision of the deficiency appropriation act for year ending June 30, 1905, cited above.

**RES. MARCH 3, 1905, No. 33. [H. J. R. 225.]**

Joint Resolution Providing for the Printing Annually of the Report of the Bureau of Immigration. (33 Stat. 1287.)

**Report of Bureau of Immigration.**

Resolved, &c., That there shall be printed for the use of the Bureau of Immigration two thousand five hundred copies of the Annual Report of the said Bureau for nineteen hundred and four, and thereafter the number to be printed of the Annual Reports of the Bureau shall be subject to the discretion of the Secretary of the Department of Commerce and Labor, the number of copies not to exceed one thousand in any one fiscal year.

Res. March 3, 1905, No. 33, 33 Stat. 1287.

# TITLE XLVI.

## THE POSTAL SERVICE.

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### CHAPTER ONE.

#### Post-Offices and Postmasters.

##### Sec. 3831.

[Repealed. Act April 28, 1904, c. 1759, § 8.]

This section is expressly repealed by Act April 28, 1904, c. 1759, § 8, set forth below, which makes different provisions on the same subject.

**ACT APRIL 28, 1904, c. 1759, § 8.** [H. R. 13521.]

##### **Residence of postmaster.**

That every postmaster shall reside within the delivery of the office to which he is appointed or within the town or city where the same is situated, and section thirty-eight hundred and thirty-one of the Revised Statutes of the United States is hereby repealed.

Act April 28, 1904, c. 1759, § 8, 33 Stat. 441.

This section is part of the postal appropriation act for the fiscal year ending June 30, 1905, cited above.

Rev. St. § 3831, repealed by this section, is set forth in Comp. St. 1901, p. 2609. It required every postmaster to reside within the delivery of the office to which he is appointed.

##### Sec. 3834.

##### **Bond of postmaster.**

Provisions relating to renewal of bonds of postmasters and others in the postal service, superseding those of Rev. St. § 3837, Comp. St. 1901, p. 2612, are contained in Act March 3, 1905, c. 1488, set forth below.

##### Sec. 3837.

[Superseded. Act March 3, 1905, c. 1488.]

This section is superseded by the more comprehensive provisions relating to the same subject contained in Act March 3, 1905, c. 1488, set forth below, the title of which purports to amend Act June 8, 1872, c. 335, § 66, which section was incorporated in the Revised Statutes into this section.

**ACT MARCH 3, 1905, c. 1488. [S. 3379.]**

An Act to Amend Section Sixty-six of the Act of June Eighth, Eighteen Hundred and Seventy-Two, Entitled "An Act to Revise, Consolidate, and Amend the Statutes Relating to the Post-Office Department." (33 Stat. 1259.)

**Renewing bond of postmaster, clerk, carrier, or other person in postal service.**

Be it enacted, &c., That whenever any postmaster, clerk, carrier, or other person in the postal service, employed in the Post-Office Department or elsewhere, notifies the Postmaster-General of his desire to execute a new bond, or whenever any of the sureties of such postmaster, clerk, carrier, or other person, notifies the Postmaster-General of his desire to be released from such suretyship, or whenever the Postmaster-General deems a new bond necessary or expedient, the execution of the new bond may be directed by the Postmaster-General. When accepted by the Postmaster-General the sureties of postmasters in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted, and the sureties of other persons in the prior bond shall be released from responsibility for all acts or defaults of such persons which may be done or committed subsequent to the day such new bond becomes operative.

Act March 3, 1905, c. 1488, 33 Stat. 1259.

Act June 8, 1872, c. 335, § 68, 17 Stat. 293, mentioned in the title of this act as amended by this act, was incorporated in Rev. St. § 3837, set forth in Comp. St. 1901, p. 2612, which may be regarded as amended and superseded by the more comprehensive provisions of this act.

**Sec. 3858.****ACT MARCH 3, 1879, c. 180, § 31.****Compensation of acting postmasters.**

The salary of the assistant postmaster at Chicago is fixed by a provision of Act March 3, 1903, c. 1009, § 1, set forth below.

**ACT MARCH 3, 1903, c. 1009, § 1.****Salary of assistant postmaster at Chicago.**

\* \* That the salary of the assistant postmaster at Chicago shall be fixed at three thousand five hundred dollars per annum; \* \*

Act March 3, 1903, c. 1009, § 1, 32 Stat. 1166.

This is a proviso annexed to an appropriation "For compensation to assistant postmasters at first and second class post-offices: Two at three thousand five hundred dollars," in the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

**Sec. 3860.****Expenses at post offices.**

Besides the provisions relating to expenses at post offices for various purposes contained in Rev. St. § 3860, and other statutes which are set forth or referred to under that section in Comp. St. 1901, pp. 2624-



2632, numerous subsequent provisions relating to such expenses are set forth or referred to below.

**ACT MARCH 2, 1889, c. 374, § 1.**

**Officers, clerks, and employes in post-offices; classification; compensation; promotion; roster.**

The postal service appropriation acts for recent fiscal years contain an appropriation for temporary clerk hire, with a proviso annexed "that the Postmaster-General may, in the disbursement of this appropriation, allow postmasters at first class offices to employ temporary clerks at the rate of twenty-five cents an hour during the rush or busy hours of the day." The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1480, § 1, 33 Stat. 1086.

Annual appropriations are also made by said acts for separating mails at third and fourth class post offices, for unusual business at third and fourth class post offices, and for allowance to third class post offices to cover the cost of clerical services, with various provisos annexed, differing somewhat from year to year, as to the use of the money appropriated or the amounts to be allotted to certain purposes or certain classes of post-offices. These provisions for the fiscal year ending June 30, 1906, are also contained in Act March 3, 1905, c. 1480, § 1, 33 Stat. 1086.

Provisions for the classification and compensation of special agents, route inspectors, clerks, carriers, etc., employed in the rural free delivery service, are contained in Act April 21, 1902, c. 563, § 1, set forth under chapter 2 of this title.

**ACT OCT. 1, 1890, c. 1260.**

**Leaves of absence to employes in first and second class post-offices and in mail bag repair shops.**

The employment of substitutes for clerks in first or second class post-offices, absent from duty for any cause other than the fifteen days annual leave, which is allowed by the provision of Act Oct. 1, 1890, c. 1260, set forth in Comp. St. 1901, p. 2630, and payment therefor from the lapsed salary of such absent clerk, are authorized by a provision of Act March 3, 1905, c. 1480, § 1, set forth below.

**ACT JULY 16, 1894, c. 137, § 1.**

**Incidental expenditures at first and second class post-offices.**

The provision of this act set forth in Comp. St. 1901, p. 2630, is repeated in substantially the same language in the postal service appropriation acts for recent years, the more recent acts including, besides furniture, "cleaning, and all other matters not specifically provided for in other appropriations"; but in the provision for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1480, § 1, 33 Stat. 1086, the proviso for authorizing postmasters to expend the fund allowed them, without the written consent of the Postmaster-General, is omitted.

The rental or purchase of canceling machines is authorized by further provisions of Act March 3, 1903, c. 1009, § 1, post, under chapter 5 of this Title.

**ACT JUNE 13, 1898, c. 446, § 3.**

**Bonds of assistant postmasters and cashiers at first, second, and third class post-offices.**

Provisions relating to renewal of bonds of persons in the postal service are contained in Act March 3, 1905, c. 1488, set forth above, under Rev. St. § 3837, which is superseded thereby.

**ACT MARCH 1, 1899, c. 327, § 2.**

**Appropriations not available for incapacitated employes; civil roll, etc., prohibited.**

The provisions of this section, set forth in Comp. St. 1901, are repeated in the same language in the postal service appropriation acts for subsequent fiscal years. The provisions relating to the appropriations for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1480, § 1, 33 Stat. 1091.

**ACT MARCH 3, 1901, c. 851, § 1.**

**Limitation of rent, etc., for third class post-offices; leasing premises for first, second, and third class post-offices.**

The provisions of this act set forth in Comp. St. 1901, p. 20, are repeated in the same language in the postal service appropriation acts for subsequent fiscal years, except that the limitation of the allowance for fuel and light for any third class post office is increased, in the appropriations for the fiscal years 1905 and 1906, from \$60 to \$80. The provisions for the last-mentioned year, contained in Act March 3, 1905, c. 1480, § 1, are set forth below.

**ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]**

**Substitutes for clerks in first or second class post-offices or in Railway Mail Service, or for carriers in city free delivery service, in absence other than annual leave.**

That hereafter when any clerk in post-offices of the first or second class, or in the Railway Mail Service; or any letter carrier in the city free-delivery service; is absent from duty from any cause, other than the fifteen days' annual leave with pay allowed by law, the Postmaster-General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk, or letter carrier, at a rate not to exceed the pay of the grade of work performed by such substitute.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1085.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

**Limitation of rent, etc., for third class post-offices; leasing premises for first, second, and third class post-offices.**

For rent, light, and fuel for first, second, and third class post-offices, not to exceed two million eight hundred thousand dollars: Provided, That no more than two million eight hundred thousand dollars shall be allowed for the use of any third class post-office for rent, light, and fuel, in any one year: And provided further, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1085.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above. It re-enacts the provisions of Act March 3, 1901, c. 851, § 1, and set forth in Comp. St. p. 2031, and subsequent acts, with an increase of the limitation of the allowance for fuel and light for third class post offices from \$60 to \$80.

## CHAPTER TWO.

### Carriers, Branch Offices, and Receiving-Boxes; [Special Delivery; Rural Free Delivery.]

#### Secs. 3865, 3866.

ACT JAN. 3, 1887, c. 14, § 1.

##### Letter-carrier delivery.

Provisions relating to officers of the free-delivery service in the Post-Office Department are set forth or referred to ante, under Title IX, "The Post Office Department."

Provisions relating to rural free-delivery service, authorizing the classification and compensation of employes in such service, are contained in Act April 21, 1902, c. 563, § 1, amended by Act March 3, 1903, c. 1009, § 8, set forth below.

ACT JUNE 27, 1884, c. 126.

##### Leaves of absence to carriers; substitute carriers.

The employment of substitutes for letter carriers in the city free-delivery service, absent from duty for any cause other than the fifteen days' annual leave, which is allowed by the provision of Act June 27, 1884, c. 126, set forth in Comp. St. 1901, p. 2636, and payment therefor from the lapsed salary of such absent carrier, are authorized by a provision of Act March 3, 1905, c. 1480, § 1, set forth ante, under chapter 1 of this Title.

#### Sec. 3869.

##### Injuring receiving-boxes; penalty; [assault on carrier while on duty; penalty.]

Injuring letter boxes on rural free-delivery routes or other mail routes, and injuring or stealing mail matter deposited in such boxes, are punishable by Act April 21, 1902, c. 563, § 1, as amended by Act March 3, 1903, c. 1009, § 3, set forth at the end of this chapter.

Special delivery messengers when actually engaged in carrying, etc., mail, are to be deemed carriers within the meaning of this section, by Act March 3, 1903, c. 1009, § 4, set forth below.

ACT MARCH 3, 1903, c. 1009, § 4.

##### Special delivery messengers deemed carriers.

That every special-delivery messenger, when actually engaged in carrying or delivering letters or other mail matter under contract, directly or indirectly, with the Post-Office Department, or employed by the Post-Office Department, shall be deemed a carrier or person intrusted with the mail and having custody thereof within the meaning of sections thirty-eight hundred and sixty-nine, thirty-nine hundred and ninety-five, fifty-four hundred and seventy-two, and fifty-

four hundred and seventy-three of the Revised Statutes of the United States.

Act March 3, 1903, c. 1009, § 4, 32 Stat. 1176.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

The sections mentioned in this section are set forth respectively in Comp. St. 1901, pp. 2638, 2716, and 3694, and relate to postal carriers.

## Sec. 3870.

### **Bonds of carriers.**

Provisions relating to renewal of bonds of carriers and others in the postal service are contained in Act March 3, 1905, c. 1488, set forth ante, under chapter 1 of this Title.

## Sec. 3874.

### **ACT MARCH 3, 1885, c. 342, §§ 3-6.**

#### **Special delivery of letters; special stamps.**

Provisions for the manufacture of special delivery stamps are contained in Act April 21, 1902, c. 563, § 1, set forth under chapter 1 of this Title.

#### **Sec. 6. [Amended. Act March 3, 1903, c. 1009, § 2.]**

This section is amended by Act March 3, 1903, c. 1009, § 2, to read as set forth at the end of this chapter.

### **ACT APRIL 21, 1902, c. 563, § 1. [As amended 1903.]**

#### **Rural free-delivery service; special agents; route inspectors; clerks; carriers; substitute carriers; classification; compensation.**

\* \* \* That on and after July first, nineteen hundred and two, the Postmaster-General be, and is hereby, authorized to classify the rural free-delivery service and fix the compensation to employees in the service as follows:

Special agents in charge of divisions at not exceeding two thousand four hundred dollars per annum.

Special agents, four classes, graded in even hundreds of dollars, at one thousand three hundred, one thousand four hundred, one thousand five hundred, and not exceeding one thousand six hundred dollars per annum.

Route inspectors, four classes, graded in even hundreds of dollars, at nine hundred, one thousand, one thousand one hundred, and not exceeding one thousand two hundred dollars per annum.

Clerks, four classes, graded in even hundreds of dollars, at five hundred, one thousand, one thousand one hundred, and not exceeding one thousand two hundred dollars per annum.

Carriers at salary not exceeding six hundred dollars per annum, and no other or further allowance or salary shall be made to rural free-delivery carriers. But the carriers shall not be prohibited from doing any private press-package business provided it does not interfere with the performance of their charge of their official duties.

Under such regulations as the Postmaster-General may prescribe, a substitute carrier may be employed, at the expense of the regular carrier.

carrier, to temporarily perform the service on any rural free-delivery mail route.

The Postmaster-General may allow such per diem and other incidental expenses in connection with the rural free-delivery service as Congress may from time to time provide.

Act April 21, 1902, c. 563, § 1, 32 Stat. 112.

These are provisions following an appropriation for the employes in the rural free-delivery service in the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Special agents in charge of divisions of the rural free-delivery service, mentioned in this act, are designated division superintendents of rural free-delivery service, and special agents and route inspectors of such service are designated rural agents, by provisions of Act April 28, 1904, c. 1759, § 1, set forth below.

The limitation of the rate of salary of carriers under this act is increased, and restrictions on their soliciting business or receiving orders, or carrying merchandise for hire, are imposed by other provisions of Act April 28, 1904, c. 1759, § 1, set forth below.

A superintendent rural free-delivery service and supervisor of rural free-delivery service, in the Post Office Department, are provided for by appropriations in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 678. And division superintendents, rural agents, clerks, and carriers, are provided for by the postal service appropriation act for the same year, Act March 3, 1905, c. 1480, § 1, 33 Stat. 1091.

**Investigation of and report on uniform metal lock box for patrons.**

The Postmaster-General is hereby directed to investigate and report to Congress as soon as possible, the advisability and practicability of purchasing and adopting a uniform metal lock box at a price not to exceed fifty cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost.

Act April 21, 1902, c. 563, § 1, 32 Stat. 113.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

**Injuring rural free delivery or other mail route letter boxes; injuring or stealing mail deposited therein; penalty.**

Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle established by order of the Postmaster-General, or approved or designated by him, for the receipt or delivery of mail matter on any rural free-delivery route, star route, or other mail route, or shall break open the same, or willfully or maliciously injure, deface, or destroy any mail matter deposited therein, or shall willfully take or steal such matter from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than three years.

Act April 21, 1902, c. 563, § 1, 32 Stat. 113. Act March 3, 1903, c. 1009, § 3, 32 Stat. 1175.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1903, amended by a provision of the similar act for the fiscal year ending June 30, 1904, cited above. As originally enacted it was as follows:

"Whoever shall hereafter willfully or maliciously injure, tear down, or destroy any letter box or other receptacle established by order of the

Postmaster-General or approved or designated by him for the receipt or delivery of mail matter on any rural free-delivery route, or shall break open the same, or willfully or maliciously injure, deface, or destroy any mail matter deposited therein, or shall willfully take or steal such matter from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than three years."

It is amended by Act March 3, 1903, c. 1009, § 3, cited above, to read as set forth here.

Injuring receiving boxes is punishable by Rev. St. § 3869, set forth in Comp. St. 1901, p. 2638. Injuring mail matter deposited in letter boxes is punishable by Rev. St. § 5466, set forth in Comp. St. 1901, p. 3691.

Unlawfully entering a railway post-office car or assaulting a railway postal clerk on duty are punishable by Act March 3, 1903, c. 1009, § 5, set forth under chapter 10 of this title.

**Rural free delivery special agents, route inspectors, etc.; authority to administer oaths.**

That hereafter special agents, route inspectors, and examining inspectors in the rural free-delivery service shall be authorized and empowered to administer oaths to carriers and other persons employed in said service or in connection with any business relating to the same.

Act April 21, 1902, c. 563, § 1, 32 Stat. 113.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Special agents and route inspectors of the rural free-delivery service are designated rural agents by a provision of Act April 28, 1904, c. 1759, § 1, set forth below.

**ACT MARCH 3, 1903, c. 1009, § 2.**

**Amendment of Act March 3, 1885, c. 342, § 6.**

That section six of the Act entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," approved March third, eighteen hundred and eighty-five, be, and the same is hereby, amended to read as follows:

**Compensation of persons employed to make special deliveries.**

"Sec. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section three of this Act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt books heretofore specified, and at the end of each month he may pay to such person or persons employed a sum not exceeding eighty per centum of the face value of all such stamps received and recorded during that month: Provided, That nothing in this Act shall interfere with the prompt delivery of letters as now provided by law or regulations of the Post-Office Department."

Act March 3, 1903, c. 1009, § 2, 32 Stat. 1175.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1904. It amends Act March 3, 1885, c. 342, § 6, set forth in Comp. St. 1901, p. 2641, to read as set forth here.

**ACT APRIL 28, 1904, c. 1759, § 1. [H. R. 13521.]**

**Special agents in charge of divisions of rural free-delivery service designated division superintendents; special agents and route inspectors designated rural agents.**

On and after July first, nineteen hundred and four, special agents in charge of divisions of the rural free-delivery service shall be known and designated as division superintendents of rural free-delivery service; and special agents and route inspectors of such service shall be known and designated as rural agents.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 439.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.

Previous provisions as to the classification of the rural free-delivery service are contained in Act April 21, 1902, c. 563, § 1, set forth above.

**Carriers of rural free-delivery service; salaries; restrictions; carrying merchandise.**

\* \* On and after July first, nineteen hundred and four, letter carriers of the rural free-delivery service shall receive a salary not exceeding seven hundred and twenty dollars per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: Provided, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 439.

These are further provisions, accompanying appropriations for pay of letter carriers, etc., in the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

Previous provisions relating to such carriers were contained in Act April 21, 1902, c. 563, § 1, set forth above.

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## CHAPTER THREE.

### Mail-Matter.

#### Secs. 3875-3879.

**ACT MARCH 3, 1879, c. 180, §§ 17, 21.**

**Third-class matter; rate of postage; foreign publications.**

Quantities of not less than 2,000 identical pieces of third-class matter may be accepted for transmission in the mails, without postage stamps affixed as was required by Act March 3, 1879, c. 180, § 17, Comp. St. 1901, p. 2648, by Act April 28, 1904, c. 1759, § 2, set forth post, under chapter 4 of this Title.

**Postage on fourth-class matter.**

Quantities of not less than 2,000 identical pieces of fourth-class matter may be accepted for transmission in the mails, without postage

stamps affixed as was required by Act March 3, 1879, c. 180, § 21, Comp. St. 1901, p. 2649, by Act April 28, 1904, c. 1759, § 2, set forth post, under chapter 4 of this Title.

**ACT MARCH 3, 1901, c. 851, § 1.**

**Second-class privileges annulled only after hearing.**

Provisions for the employment of special counsel in second class mail privilege suits at an expense not exceeding the temporary appropriation of \$25,000 are contained in the postal service appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1009, § 1, 32 Stat. 1174, and the appropriation is re-appropriated and made available for the fiscal years 1905 and 1906, by Act April 28, 1904, c. 1759, § 1, 33 Stat. 438, and Act March 3, 1905, c. 1480, § 1, 33 Stat. 1090.

**Sec. 3894.**

**[Lottery and] gift enterprise, etc., circulars [and newspapers containing lottery advertisements], not mailable.**

Letters, parcels, etc., containing certain insect pests, etc., whether sealed as first-class matter or not, are declared nonmailable matter, except when mailed for scientific purposes under regulations provided for, and depositing, etc., such matter for mailing, etc., is made punishable, by Act March 2, 1905, c. 1501, §§ 2, 3, set forth post, under Title LVI A. "Regulation of Interstate and Foreign Commerce," c. 2.

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## CHAPTER FOUR.

### Postage.

**Sec. 3896.**

**Prepayment of postage.**

The acceptance for transmission in the mails of quantities of identical pieces of third or fourth class matter without postage stamps affixed is authorized by Act April 28, 1904, c. 1759, § 2, set forth below.

**ACT APRIL 28, 1904, c. 1759, § 2. [H. R. 13521.]**

**Quantities of identical pieces of third or fourth class matter to be accepted for transmission without stamps affixed, if prepaid.**

That hereafter, under such regulations as the Postmaster-General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails quantities of not less than two thousand identical pieces of third or fourth class matter without postage stamps affixed: Provided, That postage shall be fully prepaid thereon, at the rate required by law for a single piece of such matter.

Act April 28, 1904, c. 1759, § 2, 33 Stat. 440.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.



**Sec. 3898.****ACT JUNE 13, 1898, c. 446, § 4.****Second, third, and fourth class matter not to be returned or remailed until fully prepaid; notice of non-delivery.**

Provisions for remailing to the sender third and fourth class mail matter are contained in Act March 3, 1903, c. 1009, § 9, set forth below.

**ACT MARCH 3, 1903, c. 1009, § 9.****Third and fourth class matter not to be remailed to sender until fully prepaid; notice of non-delivery.**

That third and fourth class mail matter shall not be remailed to sender until the proper postage has been fully prepaid on the same: Provided, That in all cases when undelivered mail matter of the third and fourth class is of obvious value, the sender, if known, shall be given the opportunity of prepaying the return postage or accepting delivery to himself or upon his order, at the office where it is held, upon the payment of one cent postage for each card notice given him, under such regulations as the Postmaster-General may prescribe.

Act March 3, 1903, c. 1009, § 9, 32 Stat. 1176.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above. Previous provisions for the returning or remailing of second, third, and fourth class mail matter and for notice of nondelivery are contained in Act June 13, 1898, c. 446, § 4, set forth in Comp. St. 1901, p. 2604.

**Sec. 3913.****ACT JUNE 13, 1898, c. 446, § 1.**

[Superseded. Act April 28, 1904, c. 1759, § 7.]

The provision of Act June 13, 1898, c. 446, § 1, set forth in Comp. St. 1901, p. 2676, that the Vice President, members and members-elect of Congress, etc., might send free through the mails, under their frank, certain mail matter, is superseded by the provision of Act April 28, 1904, c. 1759, § 7, set forth below, in the same language, except that the limit of weight of such mail matter is increased from two ounces to four ounces.

**ACT APRIL 27, 1904, c. 1612. [S. 3129.]**

An Act to Promote the Circulation of Reading Matter among the Blind. (33 Stat. 313.)

**Reading matter for the blind to be transmitted free.**

Be it enacted, &c., That books, pamphlets, and other reading matter in raised characters for the use of the blind, whether prepared by hand or printed, in single volumes, not exceeding ten pounds in weight, or in packages, not exceeding four pounds in weight, and containing no advertising or other matter whatever, unsealed and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries, shall be transmitted in the United States mails free

of postage, and under such regulations as the Postmaster-General may prescribe.

Act April 27, 1904, c. 1612, 33 Stat. 313.

**ACT APRIL 28, 1904, c. 1759, § 7. [H. R. 13521.]**

**Official correspondence of Vice-President, Members of Congress, etc., to be transmitted free; limit of weight.**

That hereafter the Vice-President, Members and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding four ounces in weight, upon official or departmental business.

Act April 28, 1904, c. 1759, § 7, 33 Stat. 441.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.

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## CHAPTER FIVE.

### Postage-Stamps and Envelopes.

#### Sec. 3914.

**Postage stamps.**

Provisions for the manufacture of special delivery and adhesive postage stamps by the Bureau of Engraving and Printing are contained in Act April 21, 1902, c. 563, set forth below.

**ACT APRIL 21, 1902, c. 563, § 1.**

**Special delivery and postage stamps; manufacture by Bureau of Engraving and Printing.**

\* \* That hereafter, when in the opinion of the Postmaster-General the interests of the Post-Office Department require it, the manufacturing of special-delivery and adhesive postage stamps may be done by the Treasury Department (Bureau of Engraving and Printing), in conformity with an agreement satisfactory to both the Postmaster-General and the Secretary of the Treasury.

Act April 21, 1902, c. 563, § 1, 32 Stat. 117.

This is a proviso annexed to an appropriation for the manufacture of postage and special delivery stamps in the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Provisions authorizing the Postmaster-General to prepare postage stamps are contained in Rev. St. § 3914, set forth in Comp. St. 1901, p. 2677. Provisions for special delivery stamps are contained in Act March 3, 1883, c. 342, § 3, set forth in Comp. St. 1901, p. 2640.

#### Sec. 3921.

**ACT JUNE 20, 1878, c. 359, § 1.**

**Uniform ink or appliance for canceling postage stamps.**

Provisions for rental or purchase of canceling machines are contained in Act March 3, 1903, c. 1009, § 1, set forth below.

**ACT MARCH 3, 1903, c. 1009, § 1.****Canceling machines; rental or purchase.**

For rental or purchase of canceling machines, \* \* dollars, \* \* Provided, That no canceling machine shall be rented at an annual rental exceeding the rate now paid by the Department: And provided further, That the Postmaster-General shall, whenever in his opinion it is advisable, purchase canceling machines, and shall report fully to the next Congress in regard to said machines, whether they should be purchased or rented, all facts connected therewith, and what steps ought to be taken to protect the interests of the Government therein.

Act March 3, 1903, c. 1009, § 1, 32 Stat. 1169.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

**Sec. 3925.****ACT MARCH 3, 1901, c. 830, § 1.****Sale of post-route maps; disposition of proceeds.**

The provisions of this act set forth in Comp. St. 1901, p. 2685, are repeated in the same language in the legislative, executive, and judicial appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1903, are by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 679.

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## CHAPTER SIX.

### Registered Letters.

**Sec. 3926. [As amended 1897.]****System of registration authorized; [indemnity for loss of first-class registered matter.]**

Provisions authorizing the Postmaster-General to increase the amount of indemnity for losses of first-class registered matter are contained in Act March 3, 1903, c. 1009, § 1, set forth below.

A superintendent and assistant superintendents of the registry system, in the Post-Office Department, are provided for by appropriations in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 678.

**ACT MARCH 3, 1903, c. 1009, § 1.****Indemnity for loss of first-class registered matter; maximum amount.**

\* \* That hereafter the Postmaster-General may increase the amount of indemnity provided for in Act of February twenty-seventh, eighteen hundred and ninety-seven, an Act amendatory of section thirty-nine hundred and twenty-six of the Revised Statutes, to not exceeding one hundred dollars.

Act March 3, 1903, c. 1009, § 1, 32 Stat. 1174.

This is a proviso annexed to an appropriation for the payment of

indemnity for the loss of first-class registered matter in the postal service appropriation act for the fiscal year ending June 30, 1904, cited above. A provision authorizing the Postmaster-General to increase the indemnity not to exceed \$100 is contained in Act April 21, 1902, c. 563, § 1, 32 Stat. 117, in language similar to the provision set forth here, with the exception of the word "hereafter."

Act Feb. 27, 1897, mentioned in this provision, is incorporated into Rev. St. § 3926, set forth in Comp. St. 1901, p. 2685, and limited the indemnity for the loss of first-class registered matter to \$10.

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## CHAPTER EIGHT.

### Contracts for Carrying the Mails.

#### Sec. 3942.

##### **Contracts with railways without advertising.**

Appropriations for transportation of mail by electric and cable cars, mentioned in the note under this section in Comp. St. 1901, p. 2693, are continued in the postal service appropriation acts for the fiscal years following. The appropriation for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1480, § 1, is accompanied by a provision authorizing contracts for mail service by underground electric cars in Chicago, Ill., which is set forth below.

Provisions for the making of contracts for the transmission of mail by pneumatic tubes are contained in Act April 21, 1902, c. 563, § 1, set forth below.

Provisions relating to rates of pay for carrying mail on railways, and for ascertaining the average weight per day of such mails for adjustment of the rate of pay per mile per annum, are contained in Rev. St. §§ 3998, 4002, and subsequent provisions following the latter section, set forth in Comp. St. 1901, pp. 2718, 2719-2721; and further provisions on the subject, contained in Act March 3, 1905, c. 1480, § 1, are set forth post, under chapter 10 of this Title.

#### **ACT APRIL 21, 1902, c. 563, § 1.**

##### **Transmission of mail by pneumatic tubes; contracts; expert commission; report.**

For the transmission of mail by pneumatic tubes or other similar devices, \* \* ; and the Postmaster-General is hereby authorized to enter into contracts for a period not exceeding four years, after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. That the contracts for this service shall be subject to the provisions of the postal laws and regulations relating to the letting of mail contracts, except as herein otherwise provided, and that no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster-General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until in the judgment of the Postmaster-General the needs of the postal service are such as to

justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

That the Postmaster-General shall have the right to reject any and all bids; that no contract shall be awarded except to the lowest responsible bidder, tendering full and sufficient guaranties, to the satisfaction of the Postmaster-General, of his ability to perform satisfactory service, and such guaranties shall include an approval bond in double the amount of the bid.

That no contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service in excess of four per centum of the gross postal revenue of said city for the last preceding fiscal year.

That no contract shall be made in any city providing for three miles or more of double lines of tube which shall involve an expenditure in excess of seventeen thousand dollars per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

That the Postmaster-General shall not, prior to June thirtieth, nineteen hundred and four, enter into contracts under the provisions of this Act involving an annual expenditure in the aggregate in excess of eight hundred thousand dollars; and thereafter only such contracts shall be made as may from time to time be provided for in the annual appropriation Act for the postal service; and all provisions of law contrary to those herein contained are repealed.

Act April 21, 1902, c. 563, § 1, 32 Stat. 114.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

**ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]**

**Electric and cable car service; underground electric car service, Chicago, Ill.**

For inland transportation of mail by electric and cable cars, seven hundred and seventy-two thousand six hundred dollars: Provided, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service. Except that the sum of one hundred and seventy-two thousand six hundred dollars of the sum in this item appropriated is hereby made available for the purpose of covering the cost of mail service by underground electric cars in the city of Chicago, Illinois, during the fiscal year nineteen hundred and six. And the Postmaster-General is authorized to contract for said underground service in Chicago at an annual rate not exceeding said sum of one hundred and seventy-two thousand six hundred dollars for a period not exceeding four years.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1089.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

**Sec. 3943.****ACT MARCH 3, 1885, c. 342, § 1.****Contracts for inland and foreign steamboat mail service.**

A provision authorizing a contract for marine postal service at Detroit, Mich., contained in Act April 28, 1904, c. 1759, § 1, is set forth below.

**ACT APRIL 28, 1904, c. 1759, § 1. [H. R. 13521.]****Marine service, Detroit, Mich.**

For marine postal service Detroit, Michigan, \* \*: Provided, That the Postmaster General shall enter into contract for such marine postal service for a period not exceeding five years at an annual rate not to exceed four thousand five hundred dollars.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 439.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.

The similar act for the preceding year, Act March 3, 1903, c. 1009, § 1, 32 Stat. 1170, contained an appropriation for the same purpose, with the proviso annexed "that the Postmaster-General may, in his discretion, enter into contract for such marine postal service for a period not exceeding ten years."

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**CHAPTER NINE.****Carrying the Mail.****Sec. 3995.****Obstructing the mail; penalty.**

Special delivery messengers, when actually engaged in carrying, etc., mail, are deemed carriers, within the meaning of this section, by Act March 3, 1903, c. 1009, § 4, ante, under chapter 2 of this Title.

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**CHAPTER TEN.****Railway Service.****Sec. 3997.****Railway routes to be classified.**

Provisions relating to officers of the railway mail service are set forth or referred to under chapter 12 of this Title.

**Sec. 3998.****Rates of pay for carrying mail on railways.**

Rates of pay per mile per annum, for carrying mail on railways, according to the average weight per day, are limited, and provisions for actual weighing of the mails are made, by Rev. St. § 4002, and Act March 3, 1875, c. 128, § 1, and Act June 13, 1898, c. 448, § 1, set forth in Comp. St. 1901, pp. 2719-2721; and further provisions for

ascertaining such average weight before making readjustment of pay, contained in Act March 3, 1905, c. 1480, § 1, are set forth below.

## Sec. 4002.

### Conditions of railway service.

Besides the provisions relating to ascertaining the average weight of mails carried by railway, contained in Rev. St. § 4002, and subsequent acts, set forth under that section in Comp. St. 1901, pp. 2719-2721, further provisions for actual weighing of such mails, before readjustment of pay for transportation, contained in Act March 3, 1905, c. 1480, § 1, are set forth below.

### ACT MARCH 3, 1875, c. 128, § 1.

#### Weighing of mails on railroad routes.

Further provisions for ascertaining the average weight of mails on railroad routes by actual weighing before readjustment of pay for transportation thereof, contained in Act March 3, 1905, c. 1480, § 1, are set forth below.

### ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]

#### Weighing of mails on railroad routes.

For inland transportation by railroad routes, \* \* Provided, That hereafter before making the readjustment of pay for transportation of mails on railroad routes, the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days not less than ninety, at such times after June thirtieth, nineteen hundred and five, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1087.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

Previous provisions relating to weighing the mails on railway routes for the same purpose are contained in Rev. St. § 4002, and subsequent acts set forth under that section in Comp. St. 1901, pp. 2719-2721.

## Sec. 4005.

### ACT MARCH 3, 1879, c. 180, § 4.

#### Style, construction, maintenance, etc., of railway post-office cars.

Entering by violence a railway post office car or any apartment in any railway car assigned to the use of the railway mail service, or willfully or maliciously assaulting a railway postal clerk while on duty, are punishable by Act March 3, 1903, c. 1009, § 5, set forth below.

### ACT MARCH 3, 1903, c. 1009, § 5.

#### Entry by violence into railway post-office car; assault on postal clerk; penalty.

Whoever by violence enters a railway post-office car or any apartment in any railway car assigned to the use of the Railway Mail Service, or who willfully or maliciously assaults a railway postal clerk in the discharge of his duties in connection with such car or apart-

ment, and whoever willfully aids or assists therein, shall for every such offense be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than three years.

Act March 3, 1903, c. 1009, § 5, 32 Stat. 1178.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

Injuring receiving boxes or assaulting letter carriers are punishable by Rev. St. § 3869, set forth in Comp. St. 1901, p. 2638. Obstructing the mail is punishable by Rev. St. § 3995, set forth in Comp. St. 1901, p. 2716. Injuring mail matter deposited in letter boxes is punishable by Rev. St. § 5466, set forth in Comp. St. 1901, p. 3691. Robbing a carrier of the mail intrusted to him and assaulting him with intent to rob are punishable by Rev. St. §§ 5472, 5473, set forth in Comp. St. 1901, p. 3694. Provisions making special delivery messengers carriers, within the meaning of Rev. St. §§ 3869, 3995, 5472, 5473, are contained in Act March 3, 1903, c. 1009, § 4, set forth under chapter 2 of this Title. Injuring letter boxes on rural free-delivery routes or other mail routes and injuring or stealing mail deposited therein are punishable by Act April 21, 1902, c. 563, § 1, as amended by Act March 3, 1903, c. 1009, § 3, set forth under chapter 2 of this Title.

## CHAPTER ELEVEN.

### Foreign Mail-Service.

#### Sec. 4011.

**ACT MARCH 1, 1899, c. 327, § 1.**

**Clerks on ocean mail vessels; transfer of foreign mails at New York, etc., and San Francisco.**

The provisions of this section set forth in Comp. St. 1901, p. 2730, are repeated in the same language in the postal service appropriation acts for the fiscal years 1903, 1904, and 1905. The appropriation is increased, and the clause relating to transferring the foreign mail between the steamship piers in New York City and Jersey City and the post-office and railroad stations is omitted, in the similar provision for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1480, § 1, set forth below.

**ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17885.]**

**Clerks on ocean mail vessels; transfer of foreign mails at New York and San Francisco.**

\* \* That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding eighty-five thousand dollars, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding forty thousand dollars for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1089.

This is a proviso annexed to an appropriation for transportation of



foreign mails in the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

A similar provision was contained in Act March 1, 1899, c. 327, § 1, and re-enacted in subsequent acts, set forth or referred to in Comp. St. 1901, p. 2730.

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## CHAPTER TWELVE.

### Special, Local, and Route Agents.

#### Sec. 4017. [*As amended 1880.*]

##### [Post-office inspectors;] their salary and allowances.

The compensation and number of post-office inspectors have been increased from time to time in the annual postal service appropriation acts, especially in the act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1480, § 1, 33 Stat. 1082, which places the appropriations for salaries of post-office inspectors, etc., under the head "Office of the Postmaster-General," instead of under the head "Office of the Fourth Assistant Postmaster-General," as in previous acts. That act makes appropriations for five inspectors in charge of divisions, at \$3,000 each; ten inspectors in charge of divisions, at \$2,500 each; six inspectors, at \$2,400 each; fifteen inspectors, at \$2,250 each; fifteen inspectors, at \$2,000 each; seventy inspectors, at \$1,600 each; sixty inspectors, at \$1,400 each; and forty-five inspectors, at \$1,200 each; and also for per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters. Further provisos relating to per diem allowances to inspectors are repeated in said act in the same language as in the similar provision of Act March 3, 1903, c. 1009, § 1, set forth below.

Appropriations are also made by said Act March 3, 1905, c. 1480, § 1, for officers in the rural free-delivery service, besides those provided for in the Post-Office Department for the same fiscal year by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 678: Six division superintendents, at \$2,400 each; twenty-five rural agents, at \$1,600 each; eighteen rural agents, at \$1,500 each; eighteen rural agents, at \$1,400 each; twenty-five rural agents, at \$1,300 each; sixty-five rural agents, at \$1,200 each; and ten rural agents, at \$1,000 each; and also for per diem allowance for the rural agents when actually travelling on business of the Department.

Restrictions on per diem allowances, applicable to all officers and employes of the Post-Office Department, with an exception in favor of post-office inspectors corresponding to the provision of Act March 3, 1903, c. 1009, § 1, set forth below, are contained in Act April 23, 1904, c. 1759, § 4, also set forth below.

#### ACT MARCH 1, 1899, c. 327, § 1.

[Superseded. Act March 3, 1903, c. 1009, § 1.]

The provision of this act set forth in Comp. St. 1901, p. 2735, is superseded by the re-enactment thereof with an additional proviso in Act March 3, 1903, c. 1009, § 1, set forth below.

#### ACT MARCH 3, 1903, c. 1009, § 1.

##### Post-office inspectors; per diem allowance.

For per diem allowance of inspectors in the field while actually

traveling on business of the Department, \* \*: Provided, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on business away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: And provided further, That no per diem shall be paid to inspectors receiving annual salaries of two thousand dollars or more.

Act March 3, 1903, c. 1009, § 1, 32 Stat. 1175.

These are provisions following an appropriation for salaries of post-office inspectors in the postal service appropriation act for the fiscal year ending June 30, 1904, cited above. They supersede the provision of Act March 1, 1899, c. 327, § 1, set forth in Comp. St. 1901, p. 2735, and repeated in the postal service appropriation act for the fiscal year ending June 30, 1903, Act April 21, 1902, c. 563, 32 Stat. 117, by reenacting the same with the addition of the last proviso, as set forth here. They are again repeated in the similar acts for the fiscal years ending June 30, 1905, and June 30, 1906, Act April 28, 1904, c. 1759, § 1, 33 Stat. 438, and Act March 3, 1905, c. 1480, § 1, 33 Stat. 1082.

**ACT APRIL 28, 1904, c. 1759, § 4. [H. R. 18521.]**

**Per diem to be allowed to officers and employes of Department only when actually traveling; exception of post-office inspectors.**

That on and after July first, nineteen hundred and four, all officers and employees of the Post-Office Department who are entitled to a per diem allowance when traveling, in lieu of actual expenses, shall only be allowed such per diem when actually engaged in traveling on official business away from their home, their official domicile, and their headquarters, except in cases of post-office inspectors while temporarily located at any place on business away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place; and the Postmaster-General shall designate an official domicile and headquarters within the division or territory to which such officer or employee is assigned.

Act April 28, 1904, c. 1759, § 4, 33 Stat. 440.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.

The exception in this section of post-office inspectors temporarily located away from home or their designated domicile corresponds to and makes permanent the provision for per diem allowance to them contained in Act March 3, 1903, c. 1009, § 1, set forth above, and repeated in each annual appropriation act.

**Sec. 4020. [As amended 1897.]**

**Railway service agents and their pay; [accounts of salary and per diem of assistant superintendents of railway mail service.]**

Officers in the railway mail service are provided for by appropriations in the postal service appropriation act for the fiscal year ending June 30, 1903, Act March 3, 1905, c. 1480, § 1, 33 Stat. 1088, as follows: One general superintendent at \$4,000; one assistant general superintendent at \$3,500; one chief clerk, office of general superintendent, at \$2,000; one assistant chief clerk, office of general superintendent, at \$1,800; eleven division superintendents, at \$3,000 each; eleven assistant division superintendents, at \$1,800 each; five assistant superin-

tendents, at \$1,800 each; twenty-three assistant superintendents, at \$1,600 each; one hundred and twenty-five chief clerks, at \$1,600 each; besides clerks of various classes. Appropriations are also made therein for traveling expenses of the various officers and clerks.

A superintendent of railway adjustments, \$2,500, and assistant superintendent of railway adjustments and law clerk, \$2,250, in the Post-Office Department, are provided for by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1906, c. 297, § 1, 33 Stat. 677.

**ACT JUNE 2, 1900, c. 613, § 1.**

**Assistant superintendents; allowance for traveling expenses.**

The provision of this act set forth in Comp. St. 1901, p. 2736, is repeated in the same language in the postal service appropriation acts for the fiscal years 1903 and 1904. In the subsequent similar acts for the fiscal years 1905 and 1906 the appropriation includes, besides per diem allowance, other necessary official expenses; and the last words of the proviso, "away from their several designated headquarters," are omitted. The provision contained in Act March 3, 1905, c. 1480, § 1, is set forth below.

**ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]**

**Assistant superintendents; allowance for traveling and other expenses.**

For per diem allowance of assistant superintendents, twenty-five thousand dollars; and for their necessary official expenses not covered by their per diem allowance, not exceeding five thousand dollars; in all, thirty thousand dollars: Provided, That assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of four dollars per day while actually traveling on business of the Department.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1089.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

Provisions substantially similar, contained in Act June 2, 1900, c. 613, § 1, set forth in Comp. St. 1901, p. 2736, and subsequent similar appropriation acts, are superseded by this provision.

**Sec. 4025.**

**ACT JULY 31, 1882, c. 361, § 1.**

**Railway mail service employes; designation; classification; compensation.**

The number and compensation of officers and clerks in the railway mail service are changed from year to year by provisions of the annual postal service appropriation acts. The act for the fiscal year ending June 30, 1906, provides for that year for the following: One general superintendent at \$4,000; one assistant general superintendent at \$3,500; one chief clerk, office of general superintendent, at \$2,000; one assistant chief clerk, office of general superintendent, at \$1,800; eleven division superintendents, at \$3,000 each; eleven assistant division superintendents, at \$1,800 each; five assistant superintendents, at \$1,800 each; twenty-three assistant superintendents, at \$1,600 each; 125 chief clerks, at \$1,600 each; 259 clerks, class 6, at not exceeding \$1,500 each; 1,266 clerks, class 5, at not exceeding \$1,400 each; 528 clerks, class 5, at not exceeding \$1,300 each; 1,726 clerks, class 4, at not exceeding \$1,200 each; 1,754 clerks, class 4, at not exceeding \$1,100 each; 5,047 clerks, class 3, at not exceeding \$1,000 each; 2,031 clerks, class 2, at not ex-

ceeding \$900 each; 905 clerks, class 1, at not exceeding \$800 each. Appropriations are also made therein for expenses, while traveling on business of the Department, of the various officers and clerks. Act March 3, 1905, c. 1480, § 1, 33 Stat. 1088.

Provisions of said Act March 3, 1905, c. 1480, § 1, for preference, in transfers of clerks from the railway mail service to clerical service in the Department or in the post-offices, to those who served in the civil war, are set forth below.

A further provision of said act, re-enacting previous similar provisions, for allowance on the death of a railway postal clerk from injury while on duty, is also set forth below.

**ACT MARCH 1, 1899, c. 327, § 1.**

**Railway postal clerks; leaves of absence.**

The provision of this act set forth in Comp. St. 1901, p. 2739, is repeated in the same language in the postal service appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1480, § 1, 33 Stat. 1088.

**ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]**

**Preference in transfers from railway mail service to Department or post-offices, of persons who served in civil war.**

In the assignment or transfer of clerks from the railway mail service, however, preference shall be given to the persons honorably discharged from the military or naval service who served in the civil war and who are now serving as clerks on the railway mail cars in order that they may be transferred to clerical service in the Department or in the post-offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1088.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above, following the appropriation therein for officers and clerks in the railway mail service, and a provision relating to such appropriation that "the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum."

A general provision for preference of persons honorably discharged from the military or naval service, by reason of disability incurred in the line of duty, for appointments to civil offices, is contained in Rev. St. § 1754, Comp. St. 1901, p. 1200.

**Allowance on death of railway postal clerk killed or injured while on duty.**

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of one thousand dollars, which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, one hundred thousand dollars.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1088.

This is a further provision of the postal service appropriation act for

the fiscal year ending June 30, 1906, cited above. It re-enacts in the same language, except as to the sum appropriated, a provision contained in each similar appropriation act for several previous years.

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## CHAPTER THIRTEEN.

### The Money-Order System.

#### Sec. 4027.

##### Money-order system established.

A superintendent of the money-order system and chief clerk money-order system, in the office of the First Assistant Postmaster-General, are provided for by appropriations in the annual legislative, executive, and judicial appropriation acts. The appropriations for the fiscal year ending June 30, 1906, are by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 677.

#### Sec. 4040. [*As amended 1894.*]

##### Replacing lost orders.

Section 4 of Act Jan. 27, 1894, c. 21, which is referred to in the portion of Rev. St. § 4040, added by amendment, by section 11 of that act, to Rev. St. § 4040, as set forth in Comp. St. 1901, p. 2749, and which provides for payment of lost money orders not paid within one year from the last day of the month of issue, itself amends section 5 of Act March 3, 1883, c. 123, which is set forth as so amended in Comp. St. 1901, p. 2744, and which provides for payment of money orders remaining unpaid one year or more from the last day of the month of their issue, by warrant of the Postmaster-General.

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## CHAPTER FOURTEEN.

### Accounts and Revenues.

#### Sec. 4051.

##### Postal revenue to be accounted for.

Provisions for refunding postage paid for which service is not rendered, or in excess of the legal rate, are contained in Act March 3, 1905, c. 1480, § 2, set forth below.

##### ACT MARCH 3, 1905, c. 1480, § 2. [H. R. 17865.]

##### Refund of postage paid for which service is not rendered, or in excess of legal rate.

That hereafter, whenever it shall be shown to the satisfaction of the Postmaster-General that any postage is paid on any mail matter for which service is not rendered, or is collected in excess of the lawful rate, he may, in his discretion, authorize the postmaster at the office where paid to refund the proper amount out of the postal receipts in the possession of the postmaster: Provided, That this provision shall

apply to all applications for such refunds pending in the Post-Office Department at the time of the passage of this Act.

Act March 3, 1905, c. 1480, § 2, 33 Stat. 1091.

This provision is part of section 2 of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above. The remaining part of the section makes the usual general appropriation to supply any deficiencies in the revenues of the Department to meet the appropriations made by the act.

## **Sec. 4054.**

### **Revenues to be appropriated for postal service.**

Appropriations to supply deficiencies in the revenues for the Post-Office Department to meet the appropriations made by the postal service appropriation acts are made by each of said acts for the fiscal year. The provision for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1480, § 2, 33 Stat. 1091, is as follows: "That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this Act, a sum equal to such deficiency of the revenue of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June thirtieth, nineteen hundred and six."

## TITLE XLVII.

### FOREIGN RELATIONS.

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#### **Sec. 4066.**

**ACT MARCH 3, 1887, c. 340.**

An Act to Restrict the Ownership of Real Estate in the Territories to American Citizens, and so Forth. (24 Stat. 476.)

**Acquisition of real estate in District of Columbia by aliens or alien corporations, prohibited.**

Be it enacted, &c., That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created: Provided, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty shall continue to exist so long as such treaties are in force, and no longer.

Act March 3, 1887, c. 340, § 1, 24 Stat. 476.

This act is not to apply to or operate in the District of Columbia, so far as relates to the ownership of legations, or the ownership of residences by representatives of foreign governments, or attachés thereof, by an amendment of the act by Act March 9, 1888, c. 30, set forth below.

This act, except so far as it affects real estate in the District of Columbia, is superseded by amendment, substituting other provisions therefor, but providing that it shall remain in force so far as it refers to or affects real estate in the District of Columbia, in Act March 2, 1897, c. 363, set forth below. And that act is amended, so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred by it upon them in respect of real estate in the Territories, by Act Feb. 23, 1905, c. 733, set forth below.

**Acquisition of real estate in District of Columbia by corporations more than 20 per cent. of whose stock is owned by aliens, prohibited.**

Sec. 2. That no corporation or association more than twenty per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own

any real estate hereafter acquired in any of the Territories of the United States or of the District of Columbia.

Act March 3, 1887, c. 340, § 2, 24 Stat. 477.

See notes under preceding section of this act.

**Sec. 3. [Superseded. Act March 2, 1897, c. 363.]**

The provisions of this section, which limited the amount of land to be acquired, held, or owned by corporations in any of the Territories, as they do not affect real estate in the District of Columbia, may be regarded as superseded or repealed by the amendment of this act by Act March 2, 1897, c. 363, set forth below.

See, also, notes under section 1 of this act.

**Forfeiture of property acquired, held, or owned in violation of provisions of act; proceedings for enforcement.**

Sec. 4. That all property acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney General to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned.

Act March 3, 1887, c. 340, § 4, 24 Stat. 477.

See notes under section 1 of this act.

Provisions relating to proceedings for escheat of lands under Act March 2, 1897, c. 363, are contained in sections 5 and 6 of that act, set forth below.

**ACT MARCH 9, 1888, c. 30.**

An Act to Amend an Act to Restrict the Ownership of Real Estate in the Territories to American Citizens, and so Forth, Approved March Third, Eighteen hundred and eighty-seven. (25 Stat. 45.)

**Ownership in District of Columbia of legations or of residences by representatives of foreign governments or attachés thereof.**

Be it enacted, &c., That an act entitled "An Act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March third, eighteen hundred and eighty-seven, be so amended that the same shall not apply to or operate in the District of Columbia, so far as relates to the ownership of legations, or the ownership of residences by representatives of foreign governments, or attaches thereof.

Act March 9, 1888, c. 30, 25 Stat. 45.

Act March 3, 1887, c. 340, mentioned in and amended by this act, is set forth above.

**ACT MARCH 2, 1897, c. 363.**

An Act to Better Define and Regulate the Rights of Aliens to Hold and Own Real Estate in the Territories. (29 Stat. 618.)

**Amendment of Act March 3, 1887, c. 340.**

Be it enacted, &c., That an Act entitled "An Act to restrict the



ownership of real estate in the Territories to American citizens, and so forth," approved March third, eighteen hundred and eighty-seven, except so far as it affects real estate in the District of Columbia, be, and the same is hereby, amended so as to read as follows:

**Acquisition or ownership of land in Territories by aliens, prohibited.**

"That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided: Provided, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

Act March 2, 1897, c. 363, § 1, 29 Stat. 618.

Act March 3, 1887, c. 340, mentioned in and amended by this act, is set forth above.

This act is amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are by it conferred upon them in respect of real estate in the Territories, by Act Feb. 23, 1905, c. 733, set forth below.

**Provisions of act not to apply to lands previously acquired by aliens, nor to aliens who become residents.**

"Sec. 2. That this Act shall not apply to land now owned in any of the Territories of the United States by aliens, which was acquired on or before March third, eighteen hundred and eighty-seven, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States: Provided, That if any such resident alien shall cease to be a bona fide resident of the United States then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This Act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

Act March 2, 1897, c. 363, § 2, 29 Stat. 618.

**Provisions of act not to prevent acquisition of lands by inheritance or in collection of debts, nor acquisition and enforcement of liens, etc.**

"Sec. 3. That this Act shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing

the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured: Provided, however, That all lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as hereinafter provided.

Act March 2, 1897, c. 363, § 3, 29 Stat. 618.

**Conveyance by aliens of lands held contrary to provisions of act, before institution of escheat proceedings.**

"Sec. 4. That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this Act may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided: Provided, however, That if any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this Act, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.

Act March 2, 1897, c. 363, § 4, 29 Stat. 618.

The rights and privileges conferred by this act upon aliens concerning the acquisition, holding, owning, and disposition of real estate in the Territories, are extended to them in respect of real estate in the District of Columbia, by Act Feb. 23, 1905, c. 733, set forth below.

**Proceedings for escheat.**

"Sec. 5. That it shall be the duty of the Attorney-General of the United States, when he shall be informed or have reason to believe that land in any of the Territories of the United States are being held contrary to the provisions of this Act, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States: Provided, That before any such suit is instituted the Attorney-General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county.

Act March 2, 1897, c. 363, § 5, 29 Stat. 619.

**Condemnation and sale of lands; disposition of proceeds; dismissal of suit upon alien conforming to law, etc.**

"Sec. 6. That if it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this Act, the court trying said cause shall render judgment con-

demning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory: Provided, That the defendant in any such escheat proceedings may, at any time, before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this Act, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

Act March 2, 1897, c. 363, § 6, 29 Stat. 619.

**Provisions of act not to be construed to refer to District of Columbia, nor to authorize aliens to acquire public lands, nor to affect laws regulating disposal of public lands.**

"Sec. 7. That this Act shall not in any manner be construed to refer to the District of Columbia, nor to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States. And the Act of which this Act is an amendment shall remain in force and unchanged by this Act so far as it refers to or affects real estate in the District of Columbia.

Act March 2, 1897, c. 363, § 7, 29 Stat. 619.

The act of which this act is an amendment, mentioned in this section, Act March 3, 1887, c. 340, is set forth above.

This act is amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred by it upon them in respect of real estate in the Territories, by Act Feb. 23, 1905, c. 733, set forth below.

#### **Repeal.**

"Sec. 8. That all laws and parts of laws so far as they conflict with the provisions of this Act are hereby repealed."

Act March 2, 1897, c. 363, § 8, 29 Stat. 619.

#### **ACT FEB. 23, 1905, c. 733. [S. 1258.]**

An Act to Amend the Act Entitled "An Act to Better Define and Regulate the Rights of Aliens to Hold and Own Real Estate in the Territories," Approved March Second, Eighteen Hundred and Ninety-Seven. (33 Stat. 733.)

**Amendment of Act March 2, 1897, c. 363, to extend to aliens in respect of real estate in District of Columbia.**

Be it enacted, &c., That the Act entitled "An Act to better define

and regulate the rights of aliens to hold and own real estate in the Territories," approved March second, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as by that Act are conferred upon them in respect of real estate in the Territories of the United States.

Act Feb. 23, 1905, c. 733, § 1, 33 Stat. 733.

Act March 2, 1897, c. 363, mentioned in and amended by this section, is set forth above. It amended the previous Act March 3, 1887, c. 340, also set forth above, which related to the same subject, except so far as said previous act affected real estate in the District of Columbia.

#### **Repeal.**

Sec. 2. That all laws and parts of laws so far as they conflict with the provisions of this Act are hereby repealed.

Act Feb. 23, 1905, c. 733, § 2, 33 Stat. 733.

#### **Sec. 4075.**

[Amended. Act June 14, 1902, c. 1088, § 1.]

This section is amended by Act June 14, 1902, c. 1088, § 1, set forth below.

#### **ACT JUNE 14, 1902, c. 1088.**

An Act To Amend Sections Four Thousand and Seventy-Six, Four Thousand and Seventy-Eight, and Four Thousand and Seventy-Five of the Revised Statutes. (32 Stat. 386.)

#### **Amendment of Rev. St. § 4075; passports, how granted.**

Be it enacted, &c., That section four thousand and seventy-five of the Revised Statutes of the United States is hereby amended by inserting after the phrase "consular officers of the United States" the following: "and by such chief or other executive officer of the insular possessions of the United States."

Act June 14, 1902, c. 1088, § 1, 32 Stat. 386.

This section amends Rev. St. § 4075, set forth in Comp. St. 1901, p. 2764, by the addition of the provision that the chief or other executive officer of the insular possessions of the United States *may grant, issue, and verify* passports.

Sec. 2. [Amends Rev. St. § 4076.]

Sec. 3. [Amends Rev. St. § 4078.]

#### **Sec. 4076.**

[Amended. Act June 14, 1902, c. 1088, § 2.]

This section is amended by Act June 14, 1902, c. 1088, § 2, set forth below.

#### **ACT JUNE 14, 1902, c. 1088, § 2.**

**Amendment of Rev. St. § 4076; passports to be issued only to those owing allegiance.**

Sec. 2. That section four thousand and seventy-six of the Revised

Statutes is hereby amended so as to read as follows: "No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States."

Act June 14, 1902, c. 1088, § 2, 32 Stat. 386.

This section amends Rev. St. § 4076, set forth in Comp. St. 1901, p. 2765, to read as set forth here. As originally enacted, said section authorized the issuance of passports to citizens only.

## Sec. 4078.

[Amended. Act June 14, 1902, c. 1088, § 3.]

This section is amended by Act June 14, 1902, c. 1088, § 3, set forth below.

### ACT JUNE 14, 1902, c. 1088, § 3.

#### Amendment of Rev. St. § 4078; false passports.

Sec. 3. That section four thousand and seventy-eight is hereby amended so as to read: "If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport to or for any person whomsoever, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than five hundred dollars, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

Act June 14, 1902, c. 1088, § 3, 32 Stat. 386.

This section amends Rev. St. § 4078, set forth in Comp. St. 1901, p. 2766, to read as set forth here. The amendment consists in the addition, after the words "under the United States," of the words "its possessions," and in the substitution for the words "not a citizen of the United States," contained in the original section, of the words "not owing allegiance, whether a citizen or not, to the United States."

## Sec. 4111.

#### Marshals of consular courts.

The annual diplomatic and consular appropriation acts contain an appropriation for salaries of marshals for the consular courts in China, Korea, and Turkey. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 927.

## Sec. 4122.

### ACT MARCH 2, 1901, c. 802.

#### Expenses of keeping prisoners in China, Korea, Siam, and Turkey.

The provision of this act, set forth in Comp. St. 1901, p. 2779, is repeated in the diplomatic and consular appropriation acts for the fiscal years following, except that, after the words at the beginning of the provision, "Paying for the keeping and feeding of prisoners in China,

Korea, Siam, and Turkey," the words, "and for such miscellaneous expenses in connection therewith as may be approved by the Secretary of State," are omitted. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 927.

### **Sec. 4130.**

**ACT JULY 14, 1890, c. 706.**

#### **International Union of American Republics established.**

Provisions of a temporary nature are made by the annual diplomatic and consular appropriation acts for the disposition of moneys received from various sources by the Commercial Bureau of American Republics, and for the printing and distribution of the Monthly Bulletin of the Bureau. Such provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 920.

**ACT MARCH 1, 1893, c. 182.**

#### **Commercial Bureau of American Republics; collection and distribution of commercial information.**

Besides the provision made by Act March 1, 1893, c. 182, set forth in Comp. St. 1901, p. 2788, relating to the distribution of commercial information by the Commercial Bureau of American Republics, the Public Printer is authorized to print an edition of the Monthly Bulletin of the Bureau, of not to exceed 5,000 copies, for distribution every month during the fiscal year, by the recent annual diplomatic and consular appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 920.

**ACT JULY 26, 1894, c. 166.**

#### **Commercial Bureau of American Republics; disposition of receipts.**

The provision of this act, set forth in Comp. St. 1901, p. 2789, is repeated in the diplomatic and consular appropriation acts for the fiscal years following. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 920.

**ACT JUNE 6, 1900, c. 784.**

[Repealed. Act Jan. 5, 1905, c. 23.]

This act, set forth in Comp. St. 1901, pp. 2791-2794, reincorporating the American National Red Cross, previously incorporated under the laws of the District of Columbia, is expressly repealed by Act Jan. 5, 1905, c. 23, set forth below, which reincorporates the society, by the same name, under government supervision, and makes other provisions relating thereto.

**ACT JAN. 5, 1905, c. 23. [S. 5704.]**

- **An Act to Incorporate the American National Red Cross. (33 Stat. 599.)**

#### **Preamble.**

Whereas on the twenty-second of August, eighteen hundred and sixty-four, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurtemberg and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the pur-

pose of mitigating the evils inseparable from war; of ameliorating the condition of soldiers wounded on the field of battle, and particularly providing, among other things, in effect, that persons employed in hospitals and in according relief to the sick and wounded and supplies for this purpose shall be deemed neutral and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances and convoys of sick and wounded and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of forty-three or more, including the United States of America; and

Whereas the International Conference of Geneva of eighteen hundred and sixty-three recommended "that there exist in every country a committee whose mission consists in co-operating in times of war with the hospital service of the armies by all means in its power;" and

Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaty, and especially to secure supplies and to execute the humane objects contemplated by said treaty, with the power to adopt and use the distinctive flag and arm badge specified by said treaty in article seven, on which shall be the sign of the Red Cross, for the purpose of co-operating with the "Comité International de Secours aux Militaires Blessés" (International Committee of Relief for the Wounded in War); and

Whereas in accordance with the requirements and customs of said international body such an association adopting and using said insignia was formed in the city of Washington, District of Columbia, in July, eighteen hundred and eighty-one, known as "The American National Association of the Red Cross," reincorporated April seventeenth, eighteen hundred and ninety-three, under the laws of the District of Columbia, and reincorporated by Act of Congress in June, nineteen hundred; and

Whereas it is believed that the importance of the work demands a repeal of the present charter and a reincorporation of the society under Government supervision: Now, therefore,

**American National Red Cross; incorporators.**

Be it enacted, &c., That Clara Barton, Hilary A. Herbert, Thomas F. Walsh, Charles C. Glover, Charles J. Bell, Mabel T. Boardman, George Dewey, William R. Day, Nelson A. Miles, James Tanner, William K. Van Reypen, John M. Wilson, Simon Wolf, James R. Garfield, Gifford Pinchot, S. W. Woodward, Mary A. Logan, Walter Wyman, of Washington, District of Columbia; George H. Shields, of Missouri; William H. Taft, F. B. Loomis, Samuel Mather, of Ohio; Spencer Trask, Robert C. Ogden, Cleveland H. Dodge, George C. Boldt, William T. Wardwell, John G. Carlisle, George B. McClellan, Elizabeth Mills Reid, Margaret Carnegie, of New York; John H. Converse, Alexander Mackay-Smith, J. Wilkes O'Neill, H. Kirke Porter, of Pennsylvania; Richard Olney, W. Murray Crane, Henry L. Higginson, William Draper, Frederick H. Gillett, of Massachusetts; Marshall Field, Robert T. Lincoln, Lambert Tree, of Illinois; A. G. Kaufman, of South Carolina; Alexander

W. Terrell, of Texas; George Gray, of Delaware; Redfield Proctor, of Vermont; John W. Foster, Noble C. Butler, Robert W. Miers, of Indiana; John Sharp Williams, of Mississippi; William Alden Smith, of Michigan; Horace Davis, W. W. Morrow, of California; Daniel C. Gilman, Eugene Lovering, of Maryland; J. Taylor Ellyson, of Virginia; Daniel R. Noyes, of Minnesota; Emanuel Fiske, Marshall Fiske, of Connecticut, together with five other persons to be named by the President of the United States, one to be chosen from each of the Departments of State, War, Navy, Treasury, and Justice, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

Act Jan. 5, 1905, c. 23, § 1, 33 Stat. 599.

**Name of corporation; powers; badge.**

Sec. 2. That the name of this corporation shall be "The American National Red Cross," and by that name shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be deemed advisable and to accept bequests for the purposes of this corporation hereinafter set forth; to adopt a seal and the same to alter and destroy at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August twenty-second, eighteen hundred and sixty-four, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this Act and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article seven of the treaty, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

Act Jan. 5, 1905, c. 23, § 2, 33 Stat. 600.

**Purposes of corporation.**

Sec. 3. That the purposes of this corporation are and shall be—

First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, eighteen hundred and sixty-three, and also of the treaty of the Red Cross, or the treaty of Geneva, of August twenty-second, eighteen hundred and sixty-four, to which the United States of America gave its adhesion on March first, eighteen hundred and eighty-two.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been per-



formed by the American National Red Cross as a corporation duly incorporated by Act of Congress June sixth, nineteen hundred, which Act is hereby repealed and the organization created thereby is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies of other governments through the "Comité International de Secours," and the Government and the people and the Army and Navy of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same.

Act Jan. 5, 1905, c. 23, § 3, 33 Stat. 600.

Act June 8, 1900, c. 784, mentioned in and repealed by this section, is set forth in Comp. St. 1901, pp. 2791-2794.

**Fraudulent representations or use of insignia, etc.; penalty.**

Sec. 4. That from and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or an agent for, the American National Red Cross, for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of, or an agent for, the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross.

Act Jan. 5, 1905, c. 23, § 4, 33 Stat. 600.

**Governing body; central committee; executive committee; meetings of incorporators; voting by proxy not to be allowed.**

Sec. 5. That the governing body of the said American National Red Cross shall consist, in the first instance, of a central committee numbering eighteen persons, to be appointed in the manner following, namely: Six by the incorporators herein named and twelve by the President of the United States, one of whom shall be designated by the President to act as chairman. It shall be the duty of the central committee to organize with as little delay as possible State and Territorial societies, including the District of Columbia, under such rules as the said committee may prescribe. When six or more State or Ter-

ritorial societies have been formed, thereafter the central committee shall be composed as follows: Six to be appointed by the incorporators, six by the representatives of the State and Territorial societies at the annual meeting of the incorporators and societies, and six by the President of the United States, one of whom shall be designated by him as chairman and one each to be named by him from the Departments of State, War, Navy, Treasury, and Justice.

The first six members of the central committee elected by the incorporators at the first annual meeting, and the first six members of the central committee elected by the State and Territorial delegates, shall when elected select by lot from their number two members to serve one year, two members to serve two years, and two members to serve three years, and each subsequent election of members shall be for a period of three years or until their successors are duly elected and qualify. The six members of the central committee appointed by the President at the annual meeting shall serve for one year.

The President shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the chairmanship or in the membership of the central committee appointed by him. And any vacancy that may occur in the six members of the central committee herein provided to be appointed by the incorporators or in the six to be appointed by the representatives of the State societies shall be filled by temporary appointments to be made by the remaining members of the six in which the vacancy or vacancies may occur, such appointees to serve until the next annual meeting.

The central committee shall have power to appoint from its own members an executive committee of seven persons, five of whom shall be a quorum, who, when the central committee is not in session, shall have and exercise all the powers of the central committee.

The Secretary of War shall within thirty days after the passage of this Act call a meeting at a time and place to be designated by him in the city of Washington of the incorporators hereunder, giving at least thirty days' notice thereof in one or more newspapers, and the annual meeting of said incorporators, their associates and successors, shall thereafter be held in said city on the first Tuesday after the first Monday in December, the first of said meetings to be held in December, nineteen hundred and five. Fifteen members shall constitute a quorum at any annual or special meeting.

Voting by proxy shall not be allowed at any meeting of the incorporators, annual or special, nor at any meeting of State or Territorial societies organized under the provisions of this charter.

Act Jan. 5, 1905, c. 23, § 5, 33 Stat. 601.

#### **Reports.**

Sec. 6. That the said American National Red Cross shall on the first day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department.

Act Jan. 5, 1905, c. 23, § 6, 33 Stat. 602.

**Right to repeal or amend act.**

Sec. 7. That Congress shall have the right to repeal, alter, or amend this Act at any time.

Act Jan. 5, 1905, c. 23, § 7, 33 Stat. 602.

**ACT MARCH 2, 1901, c. 800, §§ 3-5.****Spanish Treaty Claims Commission; sessions; rooms; salaries.**

Subsequent to the provisions of Act March 2, 1901, c. 800, §§ 3, 15, set forth in Comp. St. 1901, pp. 2795, 2798, relating to salaries and expenses of the Commission, appropriations for such purposes are made in the annual sundry civil appropriation acts and in the deficiency appropriation acts. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1206, is as follows:

"Defense of Suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, District of Columbia, or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the Act of March second, nineteen hundred and one, providing for the Spanish Treaty Claims Commission as are in conflict herewith notwithstanding, one hundred and twelve thousand dollars, of which not exceeding two hundred dollars may be expended for law books and books of reference."

Accompanying the appropriations for the expenses of the Commission made by the urgent deficiency appropriation Act of Feb. 14, 1902, c. 17, are provisions, set forth below, that the vouchers for the expense of the Commission are to be paid when approved and certified by the president of the Commission, and vouchers for the expense of the Department of Justice in connection with the claims are to be paid when approved and certified by the Attorney General.

**Sec. 4. [Amended. Act June 30, 1902, c. 1337.]**

This section, set forth in Comp. St. 1901, p. 2795, is amended by Act June 30, 1902, c. 1337, set forth below.

**Employés; commissioners to take testimony.**

The Commission is authorized to employ, instead of the messenger authorized by section 5 of this act, set forth in Comp. St. 1901, p. 2796, three assistant messengers and watchmen, at \$60 per month each, by a provision of Act Feb. 14, 1902, c. 17, set forth below.

The Commission is also authorized to employ, instead of two clerks in its service, an assistant clerk at \$2,000 per annum, and a clerk at \$1,400 per annum, by a provision of Act June 28, 1902, c. 1301, set forth below.

The Commission is authorized to pay a fixed compensation, not to exceed \$2,500 annually, with allowance for subsistence instead of fees, to commissioners to take testimony in Cuba, by Act June 28, 1902, c. 1301, set forth below.

A further provision authorizing the Commission to pay to additional commissioners to take testimony in Cuba not exceeding \$8 per day, in lieu of fees, during the time of actual service, is contained in Act March 3, 1903, c. 1006, set forth below.

The Commission is also authorized to employ in Cuba one interpreter and translator at a compensation of \$200 per month, by a provision of Act Feb. 18, 1904, c. 160, set forth below.

**ACT FEB. 14, 1902, c. 17.****Spanish Treaty Claims Commission; employés; vouchers and expenses, how paid.**

Spanish Claims Commission: For expenses of Spanish Treaty

Claims Commission \* \* and said Commission may employ, instead of the messenger now authorized but not appointed, three assistant messengers and watchmen, at sixty dollars per month each; and hereafter vouchers for the expenses of the Commission shall be paid when approved and certified by the president of the Commission, and vouchers for the expenses of the Department of Justice in connection with the claims shall be paid when approved and certified by the Attorney-General.

Act Feb. 14, 1902, c. 17, 32 Stat. 24.

These are provisions of the urgent deficiency appropriation act for the fiscal year ending June 30, 1902, and prior years, cited above.

The act authorizing the appointment of a messenger is Act March 2, 1901, c. 800, § 5, set forth in Comp. St. 1901, p. 2796. Section 3 of said act, Comp. St. 1901, p. 2795, provides that all the expenses of the Commission, including salaries and compensation of the Commission and its officers and employes, shall be paid by the Department of Justice upon vouchers certified by the president of the Commission or by order of the other members of the Commission in case of his absence or inability to act.

Other provisions relating to the Commission are contained in Act June 28, 1902, c. 1301, Act June 30, 1902, c. 1337, Act March 3, 1903, c. 1006, Act Feb. 18, 1904, c. 160, set forth below.

#### **ACT MARCH 22, 1902, c. 272.**

##### **International Bureau of Permanent Court of Arbitration; expenses.**

To meet the share of the United States in the expenses for the year nineteen hundred and one of the International Bureau of the Permanent Court of Arbitration, created under article twenty-two of the convention concluded at The Hague, July twenty-ninth, eighteen hundred and ninety-nine, for the pacific settlement of international disputes, one thousand two hundred and fifty dollars.

Act March 22, 1902, c. 272, 32 Stat. 81.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1903, cited above. The similar act for each subsequent fiscal year contains a like appropriation. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1407, 33 Stat. 920.

The International Bureau of the Permanent Court of Arbitration was established by Article XXII of a Convention between the United States, Germany, Austria-Hungary, Belgium, China, Denmark, Spain, Mexico, France, Great Britain and Ireland, Greece, Italy, Japan, Luxembourg, Montenegro, the Netherlands, Persia, Portugal, Roumania, Russia, Serbia, Siam, Sweden and Norway, Switzerland, Turkey, and Bulgaria, concluded and signed July 29, 1899, and proclaimed November 1, 1901. Said article reads as follows:

##### **"ARTICLE XXII.**

"An International Bureau, established at The Hague, serves as record office for the Court.

"This Bureau is the channel for communications relative to the meetings of the Court.

"It has the custody of the archives and conducts all the administrative business.

"The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

"They undertake also to communicate to the Bureau the Laws, Reg-

ulations, and documents eventually showing the execution of the awards given by the Court."

**ACT JUNE 18, 1902, c. 1123.**

An Act Allowing the Construction of a Dam Across the Saint Lawrence River. (32 Stat. 392.)

**Preamble.**

Whereas it is represented that the government of the Dominion of Canada, with a view of improving the navigation of the channel excavated through the rapids at the head of Les Galops Island, in the Saint Lawrence River, proposes to construct a dam from Adams Island, in Canadian territory, to Les Galops Island, in United States territory; and

Whereas the consent of the United States to the construction of that part of the work which will be upon United States territory is desired: Therefore,

**Construction of dam across Saint Lawrence river; conditions; approval of plans by Secretary of War.**

Be it enacted, &c., That consent is hereby given for the construction of the portion of the aforesaid dam which crosses or abuts upon the territory of the United States: Provided, That the type of the proposed dam and the plans of construction and operation thereof shall be such as will not, in the judgment of the Secretary of War, materially affect the water level of Lake Ontario or the Saint Lawrence River or cause any other injury to the interests of the United States or any citizen thereof: And provided further, That the work of construction on United States territory shall not be commenced until plans and details of the work shall have been submitted to and approved by the Secretary of War.

Act June 18, 1902, c. 1123, 32 Stat. 392.

**ACT JUNE 28, 1902, c. 1301.**

**Spanish Treaty Claims Commission; employés; commissioners to take testimony in Cuba; compensation.**

Salaries and Expenses, Spanish Claims Commission: \* \* The Commission may pay a fixed compensation, not to exceed two thousand five hundred dollars annually, with allowance for subsistence instead of fees, to commissioners, not exceeding two in number, whom the Commission under existing law may appoint to take testimony in the island of Cuba. The Commission may, in the place of two clerks now in service, employ an assistant clerk at the rate of two thousand dollars per annum and one clerk at the rate of one thousand four hundred dollars per annum.

Act June 28, 1902, c. 1301, 32 Stat. 474.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

Provisions for the appointment of commissioners to take testimony and for their fees are contained in Act March 2, 1901, c. 800, § 5, set forth in Comp. St. 1901, p. 2796.

A further provision relating to the payment of compensation of addi-

tional commissioners to take testimony in Cuba is contained in Act March 8, 1903, c. 1006, and a provision for the employment in Cuba of one interpreter and translator is contained in Act Feb. 18, 1904, c. 160, set forth below.

**ACT JUNE 28, 1902, c. 1306.**

An Act Appropriating the Sum of Three Thousand Dollars a Year for the Support and Maintenance of the Permanent International Commission of the Congresses of Navigation, and for Other Purposes. (32 Stat. 485.)

**International Commission of Congresses of Navigation; expenses of delegates.**

Be it enacted, &c., That the sum of three thousand dollars a year is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support and maintenance of the permanent international commission of the congresses of navigation and for the payment of the actual expenses of the properly accredited national delegates of the United States to the meetings of the congresses and of the commission; and that the Secretary of War be, and is hereby, authorized to draw his warrant each year upon the Secretary of the Treasury for such sum, not to exceed three thousand dollars, as may in his opinion be proper to apply to the purposes above mentioned, and that the said sum shall be disbursed under such regulations as may be prescribed by the Secretary of War.

The national delegates aforesaid from the United States shall serve without compensation, but shall be reimbursed for their actual expenses incurred while traveling to and from the meetings, and while in attendance thereon, from the funds herein appropriated and authorized to be expended.

Act June 28, 1902, c. 1306, 32 Stat. 485.

**ACT JUNE 30, 1902, c. 1337.**

An Act Amending the Act of March Second, Nineteen Hundred and One, Entitled "An Act to Carry into Effect the Stipulations of Article Seven of the Treaty Between the United States and Spain, Concluded on the Tenth Day of December, Eighteen Hundred and Ninety-Eight." (32 Stat. 549.)

**Amendment of Act March 2, 1901, c. 800, § 4; Spanish Treaty Claims Commission; rules of practice and procedure; powers; taking testimony in foreign countries; service of process and execution of writs; witnesses; production of documents.**

Be it enacted, &c., That section four of the Act, entitled "An Act to carry into effect the stipulations of article seven of the treaty between the United States and Spain, concluded on the tenth day of December, eighteen hundred and ninety-eight," approved March second, nineteen hundred and one, is hereby amended by adding thereto the following provisions:

"Such rules and mode of procedure shall conform, so far as practicable, to the mode of procedure and practice of the circuit courts of the United States. The said Commission created by this Act is

vested with the same powers now possessed by the circuit and district courts of the United States to compel the attendance and testimony of parties, claimants and witnesses, to preserve order, and to punish for contempt, and to compel the production of any books or papers deemed material to the consideration of any claim or matter pending before said Commission.

"That the said Commission is also vested with all the powers now possessed by the circuit and district courts of the United States to take or procure testimony in foreign countries. Such testimony may be taken, pursuant to the provisions of existing laws and the rules and practice of the district and circuit courts of the United States, so far as applicable, before the Commission or any Commissioner or Commissioners appointed under the provisions of this Act.

"That the marshal of the United States for the District of Columbia, or his deputies, shall serve all processes issued by said Commission, preserve order in the place of sitting, and execute the orders of said Commission; and outside of the District of Columbia the writs of said Commission shall be executed by United States marshals, or their deputies, in their respective districts.

"That said Commission or any Commissioner appointed by it to take testimony in foreign countries is hereby authorized to appoint an officer to serve any subpoena or process issued by said Commission or Commissioner.

"When testimony is to be taken before any Commissioner appointed by said Commission within any district or territory, the clerk of any court of the United States for such district or territory shall, on application of either party, or of his agent, issue a subpoena for such witness, commanding him to appear and testify before the Commissioner at a time and place stated in the subpoena; and if any witness, after being duly served with such subpoena, refuses or neglects to appear, or after appearing refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proven to the satisfaction of any judge of the court whose clerk issues the subpoena, such judge may proceed to enforce obedience to the process, or punish the disobedience, as any court of the United States may proceed in case of disobedience to process of subpoena to testify issued by such court; and the production before such Commissioner of any paper or writing, written instrument, book, or other document, may also be required in the manner prescribed in section eight hundred and sixty-nine of Revised Statutes of the United States."

Act June 30, 1902, c. 1337, 32 Stat. 549.

This act amends Act March 2, 1901, c. 800, § 4, set forth in Comp. St. 1901, p. 2795.

Provisions relating to the taking of testimony and depositions and the procedure in the United States courts are contained in Title XIII, "The Judiciary," cc. 17 and 18, Comp. St. 1901, pp. 658-725.

#### **ACT MARCH 3, 1903, c. 1006.**

**Spanish Treaty Claims Commission; commissioners to take testimony in Cuba; compensation.**

Spanish Treaty Claims Commission: \* \* and said Commission is authorized to pay to additional commissioners to take testimony in

Cuba, for occasional services in special cases, not exceeding eight dollars per day, in lieu of fees during the time of actual service.

Act March 3, 1903, c. 1006, 32 Stat. 1069.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, and prior years, cited above.

The Commission is authorized to appoint one or more commissioners to take testimony by Act March 2, 1901, c. 800, § 5, set forth in Comp. St. 1901, p. 2796. Said act further provided for their compensation, to consist of fees and a per diem. The Commission is allowed to pay a fixed compensation not to exceed \$2,500 annually, with allowance for subsistence instead of fees, to commissioners, not exceeding two in number, whom it may appoint to take testimony in Cuba, by Act June 28, 1902, c. 1301, set forth above, and it is authorized to employ in Cuba one interpreter and translator at a compensation of \$200 per month, by a provision of Act Feb. 18, 1904, c. 160, set forth below.

**ACT FEB. 18, 1904, c. 160. [H. R. 10954.]**

**Spanish Treaty Claims Commission; interpreter and translator in Cuba; compensation.**

Spanish Treaty Claims Commission: \* \* and said Commission is authorized to employ in Cuba one interpreter and translator at a compensation of two hundred dollars per month.

Act Feb. 18, 1904, c. 160, 33 Stat. 41.

This is a provision following appropriations to pay awards made by the Commission, and for expenses incurred in connection with the taking of testimony in Cuba in claims pending before the Commission, in the urgent deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.



# TITLE XLVIII.

## REGULATION OF COMMERCE AND NAVIGATION.

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### CHAPTER ONE.

#### Registry and Recording.

##### Sec. 4132.

**What vessels are entitled to register.**

Until Congress shall have authorized the registry of vessels owned in the Philippine Archipelago, the transportation of merchandise and passengers between ports or places therein is to be regulated by the Government of the Philippine Islands, by Act April 15, 1904, c. 1314, § 3, set forth post, under Title L, "Regulation of Vessels in Domestic Commerce."

##### Sec. 4139.

[Amended. Act June 24, 1902, c. 1155, § 1.]

This section is amended by Act June 24, 1902, c. 1155, § 1, set forth below.

#### **ACT JUNE 24, 1902, c. 1155.**

An Act To Amend Section Forty-One Hundred and Thirty-Nine and Section Forty-Three Hundred and Fourteen of the Revised Statutes. (32 Stat. 398.)

#### **Amendment of Rev. St. § 4139.**

Be it enacted, &c., That section forty-one hundred and thirty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

#### **Oath of officer of corporation [or managing owner or his agent].**

"Sec. 4139. Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be

deemed sufficient without requiring the oath of any other person interested and concerned in such vessel."

Act June 24, 1902, c. 1155, § 1, 32 Stat. 398.

Rev. St. § 4139, amended by this section, is set forth in Comp. St. 1901, p. 2808.

Sec. 2. [Amends Rev. St. § 4314.]

## Sec. 4170.

### **New registry upon sale or alteration of vessel.**

Besides the provisions of Rev. St. § 4170, set forth in Comp. St. 1901, p. 2287, for new registry upon sale or transfer of a registered vessel, provisions for recording bills of sale, mortgages, hypothecations, and conveyances of vessels are contained in Rev. St. §§ 4192, 4193, 4196, Comp. St. 1901, pp. 2837, 2839; and vessels enrolled are made subject to the requirements prescribed for registered vessels, by Rev. St. § 4312, Comp. St. 1901, p. 2959.

## Sec. 4192.

### **Conveyance of vessels.**

Besides the requirement of recording bills of sale, etc., of vessels, contained in Rev. St. §§ 4192, 4193, set forth in Comp. St. 1901, p. 2387, new registry is required upon sale or transfer of a registered vessel, by Rev. St. § 4170, Comp. St. 1901, p. 2827; and vessels enrolled are made subject to the requirements prescribed for registered vessels, by Rev. St. § 4312, Comp. St. 1901, p. 2959.

Requisites of bills of sale of vessels registered or enrolled are prescribed by Rev. St. § 4196, Comp. St. 1901, p. 2839.

## Sec. 4196.

### **Interests to be named in bills of sale.**

Bills of sale, etc., of vessels are required to be recorded, by Rev. St. §§ 4192, 4193, Comp. St. 1901, p. 2837.

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## CHAPTER TWO.

### **Clearance and Entry.**

## Sec. 4197.

### **Granting clearances.**

The provisions of this section, and of sections 4198, 4199, and 4200, are extended to and govern in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States, by Act April 29, 1902, c. 637, set forth below.

The laws relating to entry, clearance, and manifests of vessels arriving from or going to foreign ports apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, by Act July 1, 1902, c. 1369, § 84, ante, under Title XXXIV, "Collection of Duties upon Imports," c. 4.

**ACT APRIL 29, 1902, c. 637.**

An Act To Facilitate the Procurement of Statistics of Trade Between the United States and Its Noncontiguous Territory. (32 Stat. 172.)

**Provisions of Rev. St. §§ 4197-4200, made applicable to trade between United States and Hawaii, Porto Rico, Alaska, Philippine Islands, Guam, and other noncontiguous territory.**

Be it enacted, &c., That the provisions of sections four thousand one hundred and ninety-seven to four thousand two hundred, inclusive, of the Revised Statutes of the United States, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of the Treasury shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: Provided, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department.

Act April 29, 1902, c. 637, 32 Stat. 172.

The sections of the Revised Statutes referred to in this act are set forth in Comp. St. 1901, pp. 2840, 2841.

**Sec. 4198.**

**Oath of master.**

See note under Rev. St. § 4197.

**Sec. 4199.**

**Form of manifest.**

See note under Rev. St. § 4197.

**Sec. 4200.**

**Manifests of shippers.**

See note under Rev. St. § 4197.

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## CHAPTER THREE.

### Tonnage Duties.

**Sec. 4219. [As amended 1877.]**

**Amount of tonnage duties.**

The President is authorized to suspend in part the operation of this section, by a proviso annexed to Rev. St. § 4228, by an amendment of that section by Act July 24, 1897, c. 18, incorporated in Rev. St. §

4228, as set forth in Comp. St. 1901, p. 2836, so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in said foreign country.

The provisions of law relating to tonnage duties upon vessels coming into the United States from foreign countries are made applicable to all foreign vessels coming into the United States from the Philippine Archipelago, by Act April 15, 1904, c. 1314, § 6, set forth post, under Title L, "Regulation of Vessels in Domestic Commerce."

Provisions respecting tonnage dues in the Philippine Islands, being sections 14 and 15 of "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine Commission September 17, 1901, were confirmed by Congress by Act March 8, 1902, c. 140, § 1, set forth ante, under Title XXXIII, "Duties upon Imports"; but the Government of the Philippine Islands was authorized to modify, suspend, or repeal those provisions, by Act Feb. 6, 1905, c. 453, § 11, 33 Stat. 697; and subsequent provisions as to tonnage dues in the Philippine Islands are contained in the Philippine Tariff Revision Law of 1905, Act March 3, 1905, c. 1408, §§ 14, 15, 33 Stat. 975.

#### **ACT JUNE 26, 1884, c. 121, §§ 14, 15.**

##### **Amount of tonnage duties; suspension; repeal.**

Provisions subsequent to those of Act June 26, 1884, c. 121, § 14, set forth in Comp. St. 1901, p. 2850, for a partial suspension of tonnage duties as to foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels are contained in a proviso annexed to Rev. St. § 4228, by an amendment by Act July 24, 1897, c. 13, incorporated in that section as set forth in Comp. St. 1901, p. 2836.

The amount of tonnage duties upon vessels entered in the United States from any foreign port or place is fixed by Rev. St. § 4219, set forth in Comp. St. 1901, p. 2848. Rev. St. §§ 4220-4222, set forth in Comp. St. 1901, pp. 2853, 2854, exempt certain vessels from tonnage duties. Act June 26, 1884, c. 121, § 14, set forth, as amended by Act June 19, 1896, c. 421, § 11, and Act April 4, 1888, c. 61, in Comp. St. 1901, p. 2850, makes certain reductions in tonnage duties.

##### **Repeal of provisions for hospital tax on seamen; appropriation of tonnage duties to Marine-Hospital Service.**

So much of section 15 of Act June 26, 1884, c. 121, set forth in Comp. St. 1901, p. 2851, as makes a permanent appropriation of the receipts for duties on tonnage for the expenses of maintaining the Marine-Hospital Service is repealed by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

#### **ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]**

##### **Repeal in part of Act June 26, 1884, c. 121, § 15, as to appropriation of tonnage duties to Marine-Hospital Service.**

That so much of section fifteen of an Act entitled "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, as makes a permanent appropriation of the receipts for duties on tonnage provided for by said Act for the expenses of maintaining the Marine-Hospital Service is hereby repealed, to take effect from and after June thirtieth, nineteen hundred and six. \* \*

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1217.

This is a provision of the deficiency appropriation act for the fiscal

year ending June 30, 1905, cited above. It follows appropriations for the fiscal years 1905 and 1906, in addition to the tonnage tax appropriated by Act June 26, 1884, stated to be made necessary by decrease in the tonnage tax and added expense in the maintenance of the service, etc.

Act June 26, 1884, c. 121, § 15, repealed in part by this provision, is set forth in Comp. St. 1901, p. 2851.

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## CHAPTER FOUR.

### Discriminating Duties.

#### Sec. 4228. [*As amended 1897.*]

##### **Suspension by the President.**

Rev. St. § 2502, mentioned in the proviso annexed to this section by amendment by Act July 24, 1897, c. 13, and incorporated in this section as set forth in Comp. St. 1901, p. 2856, imposed a discriminating duty upon merchandise imported in foreign vessels. It is superseded by subsequent similar sections in successive tariff acts, the latest of which is Act July 24, 1897, c. 11, § 22, Comp. St. 1901, p. 1698, to which these provisions for suspension of such duties may be regarded as applicable, having been enacted on the same day, as a subsequent chapter.

Rev. St. § 4219, also mentioned in the proviso annexed to this section as stated above, imposes tonnage duties on foreign vessels, and is set forth in Comp. St. 1901, p. 2848. It is repealed in part by Act June 26, 1884, c. 121, § 14, Comp. St. 1901, p. 2850, which contains other provisions relating to tonnage duties, including provisions for partial suspension thereof.

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## CHAPTER FIVE.

### Navigation.

#### Sec. 4233. [*As amended 1893, 1897.*]

[Amended. Act March 3, 1905, c. 1457, § 10.]

Rule 1 of Rev. St. § 4233, set forth in Comp. St. 1901, p. 2893, defining vessels to be considered sail vessels and steam vessels, under the rules for preventing collisions, is amended by Act March 3, 1905, c. 1457, § 10, to read as set forth below.

**ACT MARCH 3, 1905, c. 1457, § 10. [H. R. 18202.]**

**Amendment of Rev. St. § 4233, rule 1.**

Sec. 10. That rule one of section forty-two hundred and thirty-three of the Revised Statutes of the United States be amended to read as follows:

**Meaning of words "sail vessel" and "steam vessel."**

"Rule 1. Every steam vessel which is under sail and not under steam

shall be considered a sail vessel; and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The words steam vessel shall include any vessel propelled by machinery."

Act March 3, 1905, c. 1457, § 10, 33 Stat. 1032.

This section is part of an act, cited above, amending also section 4415 and subsequent sections of the Revised Statutes relating to steamboat inspection, which are set forth as amended post, under the respective sections amended. The amendment of rule 1 of this section consists in the addition to the rule of the last sentence, as set forth here, "The words steam vessel shall include any vessel propelled by machinery," making the rule conform to the similar provisions of Act Aug. 19, 1890, c. 802, Comp. St. 1901, p. 2863, Act June 7, 1897, c. 4, Comp. St. 1901, p. 2875, and Act Feb. 8, 1895, c. 64, Comp. St. 1901, p. 2886.

[LIFE-SAVING SERVICE.]

**Sec. 4249.**

**ACT JUNE 20, 1874, c. 344, § 1.**

**Establishment of stations, etc.**

Additional life-saving stations are established by Act March 10, 1902, c. 143, Act April 12, 1902, c. 502, Act June 3, 1902, c. 984, Act March 3, 1903, c. 993, Act April 22, 1904, c. 1413, Act April 27, 1904, c. 1621, Act April 28, 1904, c. 1770, and Act March 1, 1905, c. 1293, set forth below.

**ACT JUNE 18, 1878, c. 265, § 8.**

**Revenue Marine officers as inspectors.**

Officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service are not entitled to mileage when traveling on duty connected with the service, but are to receive actual necessary traveling expenses, by a provision of Act July 1, 1902, c. 1351, set forth below.

**ACT JUNE 6, 1900, c. 791, § 1.**

**Compensation of district superintendents.**

This section fixes the compensation of the district superintendents of the Life-Saving Service, enumerates the districts, and authorizes the Secretary of the Treasury to change the serial number of the districts. The compensation of the superintendents, as fixed by this act, is changed by Act June 28, 1902, c. 1303, set forth below.

The thirteenth life-saving district is extended to include the coast of Alaska, by Act March 1, 1905, c. 1296, § 2, set forth below.

**ACT MARCH 10, 1902, c. 143.**

An Act To Authorize the Establishment of a Life-Saving Station At or Near Bogue Inlet, North Carolina. (32 Stat. 58.)

**Station at Bogue Inlet, N. C.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near Bogue Inlet, North Carolina, in such locality as the General Superintendent of the Life-Saving Service may recommend.

Act March 10, 1902, c. 143, 32 Stat. 58.

**ACT APRIL 12, 1902, c. 502.**

An Act To Authorize the Establishment of a Life-Saving Station on Ocracoke Island, on the Coast of North Carolina. (32 Stat. 101.)

**Station on Ocracoke Island, N. C.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on Ocracoke Island near Ocracoke Inlet, on the coast of North Carolina, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act April 12, 1902, c. 502, § 1, 32 Stat. 101.

**Equipments and appliances.**

Sec. 2. That the character of the equipments and appliances of the station and the station building shall be determined by the General Superintendent of the Life-Saving Service.

Act April 12, 1902, c. 502, § 2, 32 Stat. 101.

**ACT JUNE 3, 1902, c. 984.**

An Act To Establish an Additional Life-Saving Station on Monomoy Island, Massachusetts. (32 Stat. 285.)

**Station on Monomoy Island, Mass.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish an additional life-saving station on Monomoy Island, Massachusetts, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act June 3, 1902, c. 984, 32 Stat. 285.

**ACT JUNE 28, 1902, c. 1303.**

An Act To Fix the Compensation of District Superintendents in the Life-Saving Service. (32 Stat. 484.)

**Compensation of district superintendents; clerk hire.**

Be it enacted, &c., That from and after the passage of this Act the compensation of district superintendents in the Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, two thousand dollars per annum each; for the superintendents of the third and ninth districts, eighteen hundred dollars per annum each; for the superintendent of the eighth district, one thousand seven hundred dollars: Provided, however, That in case the Secretary of the Treasury deems it necessary for any superintendent to employ a clerk, he may allow a sum not exceeding five hundred dollars per annum for the compensation of such clerk in addition to the salary paid the superintendent.

Act June 28, 1902, c. 1303, § 1, 32 Stat. 484.

Previous provisions fixing the compensation of the district superintendents of the Life-Saving Service were contained in Act June 6, 1900, c. 791, § 1, set forth in Comp. St. p. 2928. They may be regarded as repealed by this act.

**Repeal.**

Sec. 2. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Act June 28, 1902, c. 1303, § 2, 32 Stat. 484.

See note under preceding section of this act.

**ACT JULY 1, 1902, c. 1351.****Traveling expenses of officers of Revenue-Cutter Service detailed for duty in Life-Saving Service.**

That officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service shall not be entitled to mileage when traveling on duty connected with said Life-Saving Service, but shall receive actual necessary traveling expenses.

Act July 1, 1902, c. 1351, 32 Stat. 558.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, and prior years, cited above.

**ACT MARCH 3, 1903, c. 993.**

An Act to Establish a Life-Saving Station at the mouth of Black River, at or near the City of Lorain, in the State of Ohio. (32 Stat. 982.)

**Station at mouth of Black River, Ohio.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at the mouth of Black River, at or near the City of Lorain, Ohio, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act March 3, 1903, c. 993, 32 Stat. 982.

**ACT APRIL 22, 1904, c. 1413. [H. R. 7634.]**

An Act to Establish a Life-Saving Station in Sussex County, State of Delaware. (33 Stat. 242.)

**Station on coast of Delaware.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the coast of Delaware between Indian River Inlet and Fenwicks Island life-saving station at such point as the General Superintendent of the Life-Saving Service may recommend.

Act April 22, 1904, c. 1413, 33 Stat. 242.

**ACT APRIL 27, 1904, c. 1621. [H. R. 12044.]**

An Act to Authorize the Establishment of a Life-Saving Station at or near Eagle Harbor, Keweenaw Point, Michigan. (33 Stat. 324.)

**Station at or near Eagle Harbor, Mich.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan, in such locality



as the General Superintendent of the Life-Saving Service may recommend.

Act April 27, 1904, c. 1621, 33 Stat. 324.

**ACT APRIL 28, 1904, c. 1770. [S. 2698.]**

An Act to Establish a Life-Saving Station at or near the Entrance to Tillamook Bay, Oregon. (33 Stat. 522.)

**Station at or near entrance to Tillamook Bay on coast of Oregon.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near the entrance to Tillamook Bay, on the coast of Oregon, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act April 28, 1904, c. 1770, 33 Stat. 522.

**ACT MARCH 1, 1905, c. 1293. [S. 2692.]**

An Act to Establish a Life-Saving Station at Nome, Alaska. (33 Stat. 819.)

**Station at Nome, Alaska.**

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at Nome, Alaska, at such point as the General Superintendent of the Life-Saving Service may recommend, the life-saving boats and apparatus placed there under the authority of the Act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, to form a part of the equipment of said station.

Act March 1, 1905, c. 1293, § 1, 33 Stat. 819.

**Thirteenth life-saving district to include coast of Alaska.**

Sec. 2. That the Thirteenth life-saving district is hereby extended to include the coast of Alaska.

Act March 1, 1905, c. 1293, § 2, 33 Stat. 819.

Previous provisions relating to the districts which comprise the various life-saving stations are contained in Act June 6, 1900, c. 791, § 1, set forth in Comp. St. 1901, p. 2928.

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## **CHAPTER SIX.**

### **Transportation of Passengers and Merchandise.**

#### **Secs. 4252-4277.**

**ACT AUG. 2, 1882, c. 374, §§ 1, 9.**

**Accommodations for emigrants in vessels arriving from foreign ports.**

Provisions regulating immigration, including requirements that lists of passengers, certificates of medical examination, etc., be furnished by masters or other officers of vessels, are contained in Act March 3, 1903, c. 1012, ante, under Title XXIX, "Immigration."

**Boarding vessel on arrival.**

Besides the restrictions on boarding vessels on arrival, contained in Act Aug. 2, 1882, c. 374, § 9, Comp. St. 1901, p. 2937, provisions supplementary thereto and to Rev. St. § 4606, Comp. St. 1901, p. 3118, which imposes a penalty for boarding a vessel before her arrival, are contained in Act March 31, 1900, c. 120, Comp. St. 1901, p. 2940.

**Delivery of passenger lists on arrival; contents.**

Instead of the requirements prescribed by Act Aug. 2, 1882, c. 374, § 9, Comp. St. 1901, p. 2937, for the list of passengers to be delivered on arrival of a vessel, different provisions regarding such list are made by amendment of said section by Act Feb. 9, 1905, c. 564, set forth below.

**ACT FEB. 9, 1905, c. 564. [S. 6480.]**

An Act to Amend Section Nine of the Act of August Second, Eighteen hundred and eighty-two, Concerning Lists of Passengers. (33 Stat. 711.)

**List of passengers to be submitted for inspection to customs officer, and to be delivered with manifest on entry of vessel.**

Be it enacted, &c., That in lieu of the list in duplicate of passengers now prescribed by section nine of the Act approved August second, eighteen hundred and eighty-two, entitled "An Act to regulate the carriage of passengers by sea," the master shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Secretary of Commerce and Labor, the name of each passenger, age (if a child of eight years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger.

Act Feb. 9, 1905, c. 564, § 1, 33 Stat. 711.

Act Aug. 2, 1882, c. 374, § 9, mentioned in this section, and the provisions of which as to lists of passengers are superseded by those of this section, is set forth in Comp. St. 1901, p. 2937.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect on July first, nineteen hundred and five.

Act Feb. 9, 1905, c. 564, § 2, 33 Stat. 711.

# TITLE L.

## REGULATION OF VESSELS IN DOMESTIC COMMERCE.

### Sec. 4314.

[Amended. Act June 24, 1902, c. 1155, § 2.]

This section is amended by Act June 24, 1902, c. 1155, § 2, set forth below.

**ACT JUNE 24, 1902, c. 1155, § 2.**

**Amendment of Rev. St. § 4314.**

That section forty-three hundred and fourteen of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

**Oath of president, etc., of corporation [or managing owner or agent].**

"Sec. 4314. Previous to granting enrollment and license for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel."

Act June 24, 1902, c. 1155, § 2, 32 Stat. 399.

Rev. St. § 4314, amended by this section, is set forth in Comp. St. 1901, p. 2960.

### Sec. 4347.

**ACT JUNE 19, 1898, c. 421, § 8. [As amended 1898.]**

**Transportation of passengers in foreign vessels.**

The application of the provisions of this section, set forth, as amended by Act Feb. 17, 1898, c. 28, § 2, in Comp. St. 1901, p. 2972, to the transportation of passengers between the United States and the Philippine Islands, is affected by Act April 15, 1904, c. 1314, set forth below, section 2 of which provides that on and after July 1, 1906, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago; but by a proviso contained in section 6 of said act, until July 1, 1906, the provisions of law restricting to vessels of the United States the transportation of passengers between ports of the United States are not to be applicable to for-

elgn vessels engaging in trade between the Philippine Archipelago and the United States.

**ACT FEB. 17, 1898, c. 26, § 1.**

**Transportation of merchandise in foreign vessels.**

Provisions similar to those of Act Feb. 17, 1898, c. 26, § 1, set forth in Comp. St. 1901, p. 2973, relating expressly to the transportation of merchandise between ports of the United States and ports or places in the Philippine Archipelago, on and after July 1, 1906, are contained in Act April 15, 1904, c. 1314, set forth below.

**ACT APRIL 15, 1904, c. 1314. [S. 2259.]**

An Act to Regulate Shipping in Trade between Ports of the United States and Ports or Places in the Philippine Archipelago, between Ports or Places in the Philippine Archipelago, and for Other Purposes. (33 Stat. 181.)

**Transportation of merchandise in foreign vessels between United States and Philippine Archipelago.**

Be it enacted, &c., That on and after July first, nineteen hundred and six, no merchandise except supplies for the Army or Navy shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel between any port of the United States and any port or place in the Philippine Archipelago: Provided, That no merchandise other than that imported in such vessel from some foreign port which has been specified on the manifest as for another port, and which shall not have been unloaded, shall be carried between a port of the United States and a port or place in the Philippine Archipelago.

Act April 15, 1904, c. 1314, § 1, 33 Stat. 181.

Similar provisions relating to the transportation of merchandise in foreign vessels between ports of the United States are contained in Act Feb. 17, 1898, c. 26, § 1, set forth in Comp. St. 1901, p. 2973.

**Transportation of passengers in foreign vessels between United States and Philippine Archipelago.**

Sec. 2. That on and after July first, nineteen hundred and six, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of two hundred dollars for each passenger so transported and landed.

Act April 15, 1904, c. 1314, § 2, 33 Stat. 181.

Similar provisions relating to the transportation of passengers in foreign vessels between ports of the United States are contained in Act June 19, 1886, c. 421, § 8, set forth in Comp. St. 1901, p. 2972. Such provisions of law are not to be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, by a proviso contained in section 6 of this act, set forth below.

**Transportation of merchandise or passengers between ports or places in Philippine Archipelago not affected by sections 1 and 2 of act; regulation of such transportation by government of Philippine Islands.**

Sec. 3. That sections one and two of this Act shall not apply to the transportation of merchandise or passengers between ports or places in the Philippine Archipelago. Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

Act April 15, 1904, c. 1314, § 3, 33 Stat. 181.

**Voyages begun before July 1, 1906, not affected by sections 1 and 2 of act.**

Sec. 4. That sections one and two of this Act shall not apply to the voyage of a vessel between a port of the United States and a port or place in the Philippine Archipelago begun before July first, nineteen hundred and six.

Act April 15, 1904, c. 1314, § 4, 33 Stat. 181.

**Vessels owned by United States not affected by sections 1 and 2 of act.**

Sec. 5. That sections one and two of this Act shall not apply to vessels owned by the United States.

Act April 15, 1904, c. 1314, § 5, 33 Stat. 182.

**Tonnage duties on foreign vessels coming into United States from Philippine Archipelago; restrictions on transportation of merchandise and passengers in foreign vessels between ports of United States not applicable, temporarily, between Philippine Archipelago and United States; licenses by Philippine Commission to vessels for harbor business.**

Sec. 6. That on and after the passage of this Act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: Provided, however, That until July first, nineteen hundred and six, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States: And provided further, That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this Act, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Act April 15, 1904, c. 1314, § 6, 33 Stat. 182.

This section re-enacts provisions contained in Act March 8, 1902, c. 140, § 3, in the same language, except that, in the first proviso, the

date mentioned at the beginning thereof, which in said previous act was "July first, nineteen hundred and four," in this act is "July first, nineteen hundred and six," and at the end of said first proviso, after the words "between the Philippine Archipelago and the United States," the additional words contained in said previous act, "or between ports in the Philippine Archipelago," are omitted from this act.

Provisions relating to tonnage duties upon vessels coming into the United States from foreign countries are contained in Comp. St. 1901, pp. 2848-2855.

Provisions respecting tonnage dues in the Philippine Islands, being sections 14 and 15 of "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine Commission September 17, 1901, were confirmed by Congress by Act March 8, 1902, c. 140, § 1, set forth ante, under Title XXXIII, "Duties upon Imports," but the Government of the Philippine Islands was authorized to modify, suspend, or repeal those provisions, by Act Feb. 6, 1905, c. 453, § 11, 33 Stat. 697; and subsequent provisions as to tonnage dues in the Philippine Islands are contained in the Philippine Tariff Revision Law of 1905, Act March 3, 1905, c. 1408, §§ 14, 15, 33 Stat. 975.

Provisions restricting the transportation of merchandise and passengers between the United States and the Philippine Archipelago in foreign vessels on and after said 1st day of July, 1906, mentioned in the first proviso in this section, are contained in sections 1 and 2 of this act, set forth above.

**Privileges guaranteed to Spanish ships and merchandise by treaty not affected by act.**

Sec. 7. That this Act shall not be construed to impair or affect any privilege guaranteed to Spanish ships and merchandise by the treaty of peace between the United States and Spain signed at the city of Paris on December tenth, eighteen hundred and ninety-eight, and ratified April eleventh, eighteen hundred and ninety-nine.

Act April 15, 1904, c. 1314, § 7, 33 Stat. 182.

**Regulations for enforcement of act; administration of navigation laws in force in Philippine Archipelago by government of Philippine Islands.**

Sec. 8. That the Secretary of Commerce and Labor shall, from time to time, issue regulations for the enforcement of this Act, except as otherwise provided in section three: Provided, That such of the navigation laws of the United States as are in force in the Philippine Archipelago in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

Act April 15, 1904, c. 1314, § 8, 33 Stat. 182.

# TITLE LI.

## REGULATION OF FISHERIES.

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[THE FISH COMMISSION.]

**Sec. 4395.** [*As amended 1888.*]

**Appointment of Commissioner of Fish and Fisheries.**

The Fish Commission, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, are placed under the jurisdiction and made a part of the Department of Commerce and Labor, by provisions of the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

[THE FUR-SEAL FISHERY.]

The jurisdiction, supervision, and control previously possessed and exercised by the Department of the Treasury over the fur-seal, salmon, and other fisheries of Alaska are transferred and vested in the Department of Commerce and Labor, by provisions of the act establishing that department, Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "The Department of Commerce and Labor."

# TITLE LII.

## REGULATION OF STEAM VESSELS.

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### CHAPTER ONE.

#### Inspection.

**Sec. 4400.** [*As amended 1882, 1895.*]

[Amended. Act Feb. 15, 1902, c. 23.]

This section, as amended by Act Aug. 7, 1882, c. 441, § 1, and Act March 1, 1895, c. 146, § 1, is again amended by Act Feb. 15, 1902, c. 23, set forth below.

**ACT FEB. 15, 1902, c. 23.**

An Act To Amend Section Forty-Four Hundred of the Revised Statutes of the United States, Relating to a Reciprocal Recognition of Boiler-Inspection Certificates Between the Several Maritime Nations Having Marine-Inspection Laws. (32 Stat. 34.)

**What vessels are subject to the provisions of this Title; [reciprocal acceptance of foreign certificates of inspection; fees.]**

Be it enacted, &c., That section forty-four hundred of title fifty-two of the Revised Statutes of the United States be, and the same is hereby, amended by adding to said section, as amended by the Act of Congress approved March first, eighteen hundred and ninety-five, chapter one hundred and forty-six, page six hundred and ninety-nine, volume twenty-eight, United States Statutes at Large, third session Fifty-third Congress, after the word "aforesaid," a provision as follows: Provided, however, That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and life-saving equipments are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privilege accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same



fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Secretary of the Treasury shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued.

Act Feb. 15, 1902, c. 23, 32 Stat. 34.

This act amends Rev. St. § 4400, set forth, as amended by Act Aug. 7, 1882, c. 441, § 1, and Act March 1, 1895, c. 146, § 1, in Comp. St. 1901, p. 3015, by adding thereto the proviso as set forth here.

### Sec. 4403.

#### **Duties of supervising inspector-general.**

The Steamboat Inspection Service, previously under the jurisdiction of the Department of the Treasury, and all that pertains to the same, is transferred to the Department of Commerce and Labor, by provisions of the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

### Sec. 4405.

[Amended. Act March 3, 1905, c. 1453.]

This section, set forth in Comp. St. 1901, p. 3017, is amended by Act March 3, 1905, c. 1453, set forth below.

#### **ACT MARCH 3, 1905, c. 1453. [H. R. 18196.]**

An Act to Amend Section Forty-four hundred and five of the Revised Statutes of the United States. (33 Stat. 1022.)

#### **Amendment of Rev. St. § 4405.**

Be it enacted, &c., That section forty-four hundred and five of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

#### **Meetings of board; assignment of districts; [executive committee and powers thereof.]**

"Sec. 4405. The supervising inspectors and the Supervising Inspector-General shall assemble as a board once in each year, at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce and Labor shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this title, and such regulations, when approved by the Secretary of Commerce and Labor, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board

shall prescribe: Provided, That the Secretary of Commerce and Labor may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Supervising Inspector-General and any two supervising inspectors, which committee, with the approval of the said Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the Secretary of Commerce and Labor, by the board of supervising inspectors, either by virtue of this section or under any power granted by this title, or any amendments thereof, such alteration, amendment, addition, or repeal, when approved by the said Secretary, to have the force of law, and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising inspectors. The foregoing powers of such executive committee, acting with the said Secretary, shall also extend to the approval of the instruments, machines, and equipments referred to in section forty-four hundred and ninety-one of this title."

Act March 3, 1905, c. 1453, § 1, 33 Stat. 1022.

Rev. St. § 4405, amended by this section, is set forth in Comp. St. 1901, p. 3017. The amendment consists in the change of the words "Secretary of the Treasury," in the two places in which they occurred in the original section, to "Secretary of Commerce and Labor," as set forth here, and in the addition, at the end of the original section, which closed with the words "in such manner as the board shall prescribe," of the proviso beginning, "Provided, That the Secretary of Commerce and Labor," etc., to the end of the section as set forth here.

**Time of taking effect of act.**

Sec. 2. That this act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1453, § 2, 33 Stat. 1022.

**Sec. 4414.** [*As amended 1887, 1890, 1895, 1897, 1898, 1900.*]

[Amended. Act March 3, 1905, c. 1455.]

This section, set forth, as amended by several successive amendatory acts, in Comp. St. 1901, p. 3020, is further amended by Act March 3, 1905, c. 1455, set forth below.

**ACT MARCH 3, 1905, c. 1455.** [H. R. 18200.]

An Act to Amend Section Forty-four hundred and fourteen of the Revised Statutes of the United States. (33 Stat. 1026.)

**Amendment of Rev. St. § 4414.**

Be it enacted, &c., That section forty-four hundred and fourteen of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Number and salaries of local inspectors; assistant inspectors; clerks; detail of assistant inspectors of one port or district for service in another; traveling expenses.**

"Sec. 4414. There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania; San Francisco, California; New London, Connecticut; Baltimore, Maryland;

Detroit, Michigan; Chicago, Illinois; Bangor, Maine; New Haven, Connecticut; Michigan, Michigan; Milwaukee, Wisconsin; Willamette, Oregon; Puget Sound, Washington; Savannah, Georgia; Pittsburg, Pennsylvania; Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan; Apalachicola, Florida; Galveston, Texas; Mobile, Alabama; Alaska; Providence, Rhode Island, and in each of the following ports: New York, New York; Jacksonville, Florida; Portland, Maine; Boston, Massachusetts; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; Norfolk, Virginia; Evansville, Indiana; Dubuque, Iowa; Louisville, Kentucky; Albany, New York; Cincinnati, Ohio; Memphis, Tennessee; Nashville, Tennessee; Saint Louis, Missouri; Port Huron, Michigan; New Orleans, Louisiana; Gallipolis, Ohio; Wheeling, West Virginia, and Burlington, Vermont, one inspector of hulls and one inspector of boilers.

"The inspectors of hulls and the inspectors of boilers in the districts and ports enumerated in the preceding paragraph shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce and Labor, namely:

"For the port of New York, New York, at the rate of two thousand five hundred dollars per year for each local inspector.

"For the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; San Francisco, California, and Puget Sound, Washington, and the ports of Boston, Massachusetts; Buffalo, New York, and New Orleans, Louisiana, at the rate of two thousand two hundred and fifty dollars per year for each local inspector.

"For the districts of Michigan, Michigan; Milwaukee, Wisconsin; Duluth, Minnesota; Providence, Rhode Island; Chicago, Illinois, and Alaska, and the ports of Albany, New York; Cleveland, Ohio; Portland, Maine, and Norfolk, Virginia, at the rate of two thousand dollars per year for each local inspector.

"For the districts of Oswego, New York; Willamette, Oregon; Detroit, Michigan, and Mobile, Alabama, and the ports of Saint Louis, Missouri, and Port Huron, Michigan, at the rate of one thousand eight hundred dollars per year for each local inspector.

"For the districts of Pittsburg, Pennsylvania; New Haven, Connecticut; Savannah, Georgia; Charleston, South Carolina; Galveston, Texas; New London, Connecticut, and Superior, Michigan, Bangor, Maine, and Apalachicola, Florida, and the ports of Dubuque, Iowa, and Toledo, Ohio, Evansville, Indiana; Memphis, Tennessee; Nashville, Tennessee; Gallipolis, Ohio; Wheeling, West Virginia; Burlington, Vermont; and Jacksonville, Florida; Louisville, Kentucky, and Cincinnati, Ohio, at the rate of one thousand five hundred dollars per year for each local inspector.

"And, in addition, the Secretary of Commerce and Labor may appoint, in districts or ports where there are two hundred and twenty-five steamers and upwards to be inspected annually, assistant inspectors, at a salary, for the port of New York, of two thousand dollars a year each; for the port of New Orleans, Louisiana; the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; the ports of Boston, Massachusetts; Chicago, Illinois, and the district of San Francisco, California, at one thousand eight hundred dollars per year each, and

for all other districts and ports at a salary not exceeding one thousand six hundred dollars a year each; and he may appoint a clerk to any such board at a compensation not exceeding one thousand two hundred dollars a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of five cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce and Labor.

"Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors.

"And the Secretary of Commerce and Labor may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual and reasonable traveling expenses or mileage of assistant inspectors so detailed shall be paid in the same manner as provided in this section for inspectors."

Act March 3, 1905, c. 1455, § 1, 33 Stat. 1028.

Rev. St. § 4414, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3020.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1455, § 2, 33 Stat. 1027.

**Sec. 4415.** [*As amended 1877.*]

[Amended. Act March 3, 1905, c. 1457, § 1.]

This section, set forth, as amended by Act Feb. 27, 1877, c. 69, § 1, in Comp. St. 1901, p. 3023, is further amended by Act March 3, 1905, c. 1457, § 1, set forth below.

**ACT MARCH 3, 1905, c. 1457. [H. R. 18202.]**

An Act to Amend Sections Forty-four hundred and fifteen, Forty-four hundred and sixteen, Forty-four hundred and twenty-three, Forty-four hundred and twenty-six, Forty-four hundred and forty-nine, Forty-four hundred and fifty-two, Forty-four hundred and seventy, Forty-four hundred and seventy-two, Forty-four hundred and ninety-eight, and Forty-two hundred and thirty-three of the Revised Statutes of the United States, Relating to Steamboat Inspection. (33 Stat. 1028.)

**Amendment of Rev. St. § 4415.**

Be it enacted, &c., That section forty-four hundred and fifteen of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Qualifications and appointment of local inspectors.**

"Sec. 4415. The inspector of hulls shall be a person of good char-

acter and suitable qualifications and attainments to perform the services required of an inspector of hulls, who from his practical knowledge of shipbuilding and navigation and the uses of steam in navigation is fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of vessels and their equipment deemed essential to safety of life in their navigation; and the inspector of boilers shall be a person of good character and suitable qualifications and attainments to perform the services required of an inspector of boilers, who from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery and appurtenances therewith connected, is able to form a reliable opinion of the strength, form, workmanship, and suitability of boilers and machinery to be employed, without hazard to life from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. The inspector of hulls and the inspector of boilers designated by the Secretary of Commerce and Labor shall, from the date of designation, constitute a board of local inspectors."

Act March 3, 1905, c. 1457, § 1, 33 Stat. 1028.

Rev. St. § 4415, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3023.

Sec. 2. [Amends Rev. St. § 4416.]

Sec. 3. [Amends Rev. St. § 4423.]

Sec. 4. [Amends Rev. St. § 4426.]

Sec. 5. [Amends Rev. St. § 4449.]

Sec. 6. [Amends Rev. St. § 4452.]

Sec. 7. [Amends Rev. St. § 4470.]

Sec. 8. [Amends Rev. St. § 4472.]

Sec. 9. [Amends Rev. St. § 4498.]

Sec. 10. [Amends Rev. St. § 4233, rule 1.]

**Time of taking effect of act.**

Sec. 11. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1457, § 11, 33 Stat. 1032.

**Sec. 4416.**

[Amended. Act March 3, 1905, c. 1457, § 2.]

This section, set forth in Comp. St. 1901, p. 3023, is amended by Act March 3, 1905, c. 1457, § 2, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 2. [H. R. 18202.]**

**Amendment of Rev. St. § 4416.**

Sec. 2. That section forty-four hundred and sixteen of the Revised Statutes of the United States be amended to read as follows:

**What persons are not eligible as inspectors [or assistant inspectors.]**

"Sec. 4416. No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this title, or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is, directly or indirectly, pecuniarily interested in any steam vessel, or who has not the qualifications and acquirements prescribed by this title, or who is intemperate in his habits, shall be eligible to hold the office of either supervising, local, or assistant inspector, or to discharge the duties thereof; and if any such person shall attempt to exercise the functions of the office of either inspector he shall be deemed guilty of a misdemeanor, punishable by a fine of five hundred dollars, and shall be dismissed from office."

Act March 3, 1905, c. 1457, § 2, 33 Stat. 1029.

Rev. St. § 4416, amended by this section, is set forth in Comp. St. 1901, p. 3023. The amendment consists in the change of the words contained in the original section, "supervising or local inspector," to the words "supervising, local, or assistant inspector," as set forth here.

**Sec. 4417. [As amended 1898.]**

[Amended. Act March 3, 1905, c. 1454, § 1.]

This section, set forth, as amended by Act Dec. 21, 1898, c. 29, § 4, in Comp. St. 1901, p. 3024, is further amended by Act March 3, 1905, c. 1454, § 1, set forth below.

**ACT MARCH 3, 1905, c. 1454. [H. R. 18198.]**

An Act to Amend Sections Forty-four hundred and seventeen, Forty-four hundred and fifty-three, Forty-four hundred and eighty-eight, and Forty-four hundred and ninety-nine of the Revised Statutes Relating to the Steamboat-Inspection Service, and Section Fifty-three hundred and forty-four of the Revised Statutes Relating to Misconduct by Officers or Owners of Vessels. (33 Stat. 1023.)

**Amendment of Rev. St. § 4417.**

Be it enacted, &c., That section forty-four hundred and seventeen of the Revised Statutes of the United States be amended to read as follows:

**Inspection of hulls [and equipments;] exemption of vessels while laid up; enforcement of requirements.**

"Sec. 4417. The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means

to test her sufficiency and that of her equipment. The local inspectors shall, once in every year, at least, carefully inspect the hull of each sail vessel of over seven hundred tons carrying passengers for hire and all other vessels and barges of over one hundred tons burden carrying passengers for hire within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in condition to warrant the belief that she may be used in navigation with safety to life: Provided, That vessels while laid up and dismantled and out of commission may, by regulations established by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce and Labor, be exempted from any or all inspection under sections forty-four hundred and seventeen, forty-four hundred and eighteen, forty-four hundred and twenty-six, forty-four hundred and twenty-seven. Whenever any inspector or assistant inspector shall, in the performance of his duty, find on board any vessel subject to the provisions of this title, as part of the required equipment thereof, any equipment, machinery, apparatus, or appliances not conforming to the requirements of law, he shall require the same to be placed in proper condition by the owner or master of the said vessel, if possible; and if said inspector or assistant inspector shall find on board any such vessel any life-preservers or fire hose so defective as to be incapable of repair, he shall require that the same be destroyed in his presence by such owner or master. And in any of the foregoing cases local inspectors by whom or under whose supervision said vessel is then being inspected shall have power to enforce the foregoing requirements by revoking the certificate of the said vessel, and by refusing to issue a new certificate to the said vessel until the said requirements shall have been fully complied with or until such action of the local inspectors shall have been reversed, modified, or set aside by the supervising inspector of the district on proper appeal by the owner or master of said vessel, which appeal shall be made to the said supervising inspector within ten days after the final action as aforesaid by the local inspectors; and upon such appeal, duly made, the supervising inspector shall have power to affirm, modify, or set aside such action by the local inspectors."

Act March 3, 1905, c. 1454, § 1, 33 Stat. 1023.

Rev. St. § 4417, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3024. The amendment consists, principally, in the omission of clauses of the original section providing for inspection "upon application in writing of the master or owner," and in the addition, at the end of the section as previously amended, of the proviso beginning with the words, "Provided, That vessels while laid up and dismantled," etc., and of the several provisions following said proviso, to the end of the section as set forth here.

Sec. 2. [Amends Rev. St. § 4453.]

Sec. 3. [Amends Rev. St. § 4488.]

Sec. 4. [Amends Rev. St. § 4499.]

Sec. 5. [Amends Rev. St. § 5344.]

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**Time of taking effect of act.**

Sec. 6. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1454, § 6, 33 Stat. 1026.

**Sec. 4418. [As amended 1886.]**

[Amended. Act March 3, 1905, c. 1456.]

This section, set forth, as amended by Act June 19, 1886, c. 421, § 14, in Comp. St. 1901, p. 3024, is further amended by Act March 3, 1905, c. 1456, § 1, set forth below.

**ACT MARCH 3, 1905, c. 1456. [H. R. 18201.]**

An Act to Amend Sections Forty-four hundred and eighteen, Forty-four hundred and eighty, and Forty-four hundred and eighty-three of the Revised Statutes, and to Repeal Sections Forty-four hundred and thirty-five, Forty-four hundred and thirty-six, and Forty-four hundred and fifty-nine of the Revised Statutes, all Relating to the Steamboat-Inspection Service. (33 Stat. 1027.)

**Amendment of Rev. St. § 4418.**

Be it enacted, &c., That section forty-four hundred and eighteen of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Inspection of boilers [and appurtenances.]**

"Sec. 4418. The local inspectors shall also inspect the boilers and their appurtenances in all steam vessels before the same shall be used, and once at least in every year thereafter, and shall subject all boilers to the hydrostatic pressure. All such vessels shall comply with the following requirements, namely: That the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the spaces between and around the flues are sufficient; that flues, boilers, furnaces, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, water and steam pipes connecting boilers, means of prevention of sparks and flames from fire doors, low-water gauges, means of removing mud and sediment from boilers, and all other such machinery and appurtenances thereof, are of such construction, shape, condition arrangement, and material that the same may be safely employed in the service proposed without peril to life; and the local inspectors shall satisfy themselves by thorough examination that said requirements of law and regulations in regard thereto have been fully complied with. All boilers used on steam vessels and constructed of iron or steel plates, inspected under the provisions of section forty-four hundred and thirty, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam power allowed. No boiler or flue pipe, nor any of the connections therewith, shall be approved, which is made, in whole



or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause."

Act March 3, 1905, c. 1456, § 1, 33 Stat. 1027.

Rev. St. § 4418, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3024.

Vessels, while laid up and dismantled and out of commission, may be exempted from inspection under this section, by a proviso of Rev. St. § 4417, as amended by Act March 3, 1905, c. 1454, § 1, set forth above.

Sec. 2. [Amends Rev. St. § 4480.]

Sec. 3. [Amends Rev. St. § 4483.]

**Repeal of Rev. St. §§ 4435, 4436, 4459.**

Sec. 4. That sections forty-four hundred and thirty-five, forty-four hundred and thirty-six, and forty-four hundred and fifty-nine of the Revised Statutes of the United States be, and they are hereby, repealed.

Act March 3, 1905, c. 1456, § 4, 33 Stat. 1028.

**Time of taking effect of act.**

Sec. 5. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1456, § 5, 33 Stat. 1028.

## Sec. 4423.

[Amended. Act March 3, 1905, c. 1457, § 3.]

This section, set forth in Comp. St. 1901, p. 3028, is amended by Act March 3, 1905, c. 1457, § 3, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 3. [H. R. 18202.]**

**Amendment of Rev. St. § 4423.**

Sec. 3. That section forty-four hundred and twenty-three of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Disposal of certificates of inspection.**

"Sec. 4423. Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof, two of which shall be placed by such master or owner in conspicuous places in the vessel where they will be most likely to be observed by passengers and others, and there kept at all times, framed under glass, and the other shall be retained by such master or owner as evidence of the authority thereby conferred: Provided, however, That where it is not practicable to so expose said copies they shall be carried in the vessel in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor."

Act March 3, 1905, c. 1457, § 3, 33 Stat. 1029.

Rev. St. § 4423, amended by this section, is set forth in Comp. St. 1901, p. 3028. The amendment consists in the addition, at the end of

the section as originally enacted, of the proviso beginning with the words, "Provided, however, That where it is not practicable," etc., to the end of the section as set forth here.

**Sec. 4426.** [*As amended 1890.*]

[Amended. Act March 3, 1905, c. 1457, § 4.]

This section, set forth, as amended by Act Dec. 22, 1890, c. 26, in Comp. St. 1901, p. 3029, is further amended by Act March 3, 1905, c. 1457, § 4, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 4.** [H. R. 18202.]

**Amendment of Rev. St. § 4426.**

Sec. 4. That section forty-four hundred and twenty-six of the Revised Statutes of the United States, as amended by Act of January eighteenth, eighteen hundred and ninety-seven, be, and it is hereby, further amended to read as follows:

**Ferry boats, canal boats, yachts, etc.; [steam launches; vessels propelled by gas, fluid, naphtha, or electric motors.]**

"Sec. 4426. The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: Provided, however, That in open steam launches of ten tons burden and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen tons burden carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-eight, forty-four hundred and ninety-nine, and forty-five hundred, relating to the imposition and enforcement of penalties and the enforcement of law."

Act March 3, 1905, c. 1457, § 4, 33 Stat. 1029.

Rev. St. § 4426, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3029. The amendment consists in the addition, after the proviso added by the previous amendment to the section as originally enacted, of the provisions beginning with the words, "All vessels of above fifteen tons burden," etc., to the end of the section as set forth here.

The first clause of the provisions so added by amendment re-enacts,

in the same language, a part of Act Jan. 18, 1887, c. 61, set forth in Comp. St. 1901, p. 3029.

Vessels, while laid up and dismantled and out of commission, may be exempted from inspection under this section, by a proviso of Rev. St. § 4417, as amended by Act March 3, 1905, c. 1454, § 1, set forth above.

**ACT JAN. 18, 1897, c. 61.**

**Regulations as to certain vessels propelled by gas, fluid, naphtha, or electric motors.**

The first clause of Act Jan. 18, 1897, c. 61, set forth in Comp. St. 1901, p. 3029, is re-enacted in the amendment of Rev. St. § 4426, by Act March 3, 1905, c. 1457, § 4, set forth above, with additional provisions relating to violations of the provisions of law applicable to the vessels described, or of rules or regulations thereunder.

**Sec. 4427.**

**Tug-boats, freight-boats, etc.**

Vessels, while laid up and dismantled and out of commission, may be exempted from inspection under this section, by a proviso of Rev. St. § 4417, as amended by Act March 3, 1905, c. 1454, § 1, set forth above.

**Sec. 4435.**

[Repealed. Act March 3, 1905, c. 1456, § 4.]

This section, set forth in Comp. St. 1901, p. 3034, is expressly repealed by Act March 3, 1905, c. 1456, § 4, set forth above.

**Sec. 4436.**

[Repealed. Act March 3, 1905, c. 1456, § 4.]

This section, set forth in Comp. St. 1901, p. 3034, is expressly repealed by Act March 3, 1905, c. 1456, § 4, set forth above.

**Sec. 4449.**

[Amended. Act March 3, 1905, c. 1457, § 5.]

This section, set forth in Comp. St. 1901, p. 3039, is amended by Act March 3, 1905, c. 1457, § 5, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 5. [H. R. 18202.]**

**Amendment of Rev. St. § 4449.**

Sec. 5. That section forty-four hundred and forty-nine of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Revocation [or suspension] of officer's license for refusal to serve, etc.**

"Sec. 4449. If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any vessel as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engi-

neer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such licenses."

Act March 3, 1905, c. 1457, § 5, 33 Stat. 1080.

Rev. St. § 4449, amended by this section, is set forth in Comp. St. 1901. p. 3039. The amendment consists in the change, in the clause of the section as originally enacted, "refuse to serve in his official capacity on any steamer," of the word "steamer," to "vessel," and in the insertion, after the words near the end of the section, "his license shall be revoked," of the words, "or suspended," and after the subsequent words, "in other cases of revocation," of the words, "or suspension," as set forth here.

## Sec. 4452.

[Amended. Act March 3, 1905, c. 1457, § 6.]

This section, set forth in Comp. St. 1901, p. 3040, is amended by Act March 3, 1905, c. 1457, § 6, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 6. [H. R. 18202.]**

**Amendment of Rev. St. § 4452.**

Sec. 6. That section forty-four hundred and fifty-two of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Appeal to supervising inspector [and to Supervising Inspector-General]**

"Sec. 4452. Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance and to administer oaths that are conferred on local inspectors; and such witnesses and the marshal shall be paid in the same manner as provided for by the preceding section; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case. In cases of trials for the revocation or suspension of an officer's license, where either the license has been revoked or suspension for more than six months has been made, and such action has been affirmed by the supervising

inspector, the officer whose license is in question may have the case examined anew by the Supervising Inspector-General, who shall have the same powers to summon witnesses, to compel their attendance, and to administer oaths as are conferred on local inspectors, and the Supervising Inspector-General may revoke, change, or modify said decisions. Application for such re-examination of the case shall be made to the Supervising Inspector-General within thirty days after final decision by the supervising inspector."

Act March 3, 1905, c. 1457, § 6, 33 Stat. 1030.

Rev. St. § 4452, amended by this section, is set forth in Comp. St. 1901, p. 3040. The amendment consists in the addition, after the words, "shall investigate and decide the case," at the end of the section as originally enacted, of the provisions for re-examination, by the Supervising Inspector-General, of cases of revocation or suspension of an officer's license, beginning with the words, "In cases of trials for the revocation or suspension," etc., to the end of the section as set forth here.

## Sec. 4453.

[Amended. Act March 3, 1905, c. 1454, § 2.]

This section, set forth in Comp. St. 1901, p. 3040, is amended by Act March 3, 1905, c. 1454, § 2, set forth below.

**ACT MARCH 3, 1905, c. 1454, § 2. [H. R. 18198.]**

**Amendment of Rev. St. § 4453.**

Sec. 2. That section forty-four hundred and fifty-three of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Re-inspections and notice for repairs; [enforcement of requirements.]**

"Sec. 4453. In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a re-examination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them. And whenever any local inspector or supervising inspector ascertains to his satisfaction that any vessel, subject to the provisions of this title, has been or is being navigated or operated without complying with the terms of the vessel's certificate of inspection regarding the number and class of licensed officers and crew, or without complying with the provisions of law and her said certificate as to the number or kind of life-saving or fire-fighting apparatus, or without maintaining in good and efficient condition her

lifeboats, fire pumps, fire hose, and life-preservers, or that for any other reason said vessel can not be operated with safety to life, the said local or supervising inspector shall order the owner or master of said vessel to correct such unlawful conditions, and may require that the vessel at once cease navigating and be submitted to reinspection; and in case the said orders of such inspector shall not at once be complied with, the said inspector shall revoke the said vessel's certificate of inspection and shall immediately give to the owner, master, or agent of said vessel notice, in writing, of such revocation; and no new certificate of inspection shall be again issued to her until the provisions of this title have been complied with. Any vessel subject to the provisions of this title operating or navigating or attempting to operate or navigate after the revocation of her certificate of inspection and before the issuance of a new certificate, shall, upon application by the inspector to any district court of the United States having jurisdiction, and by proper order or action of said court in the premises, be seized summarily by way of libel and held without privilege of release by bail or bond until a proper certificate of inspection shall have been issued to said vessel: Provided, That the master or owner of any vessel whose certificate shall have been so revoked may within thirty days after receiving notice of such revocation appeal to the Secretary of Commerce and Labor for a re-examination of the case, and upon such appeal the said Secretary shall have power to revise, modify, or set aside such action of the local or supervising inspector and direct the issuance to such vessel of her original certificate or of a new certificate of inspection; and in case the said Secretary shall so direct the issuance of a certificate, all judicial process against said vessel based on this section shall thereupon be of no further force or effect, and the vessel shall thereupon be released."

Act March 3, 1905, c. 1454, § 2, 33 Stat. 1023.

Rev. St. § 4453, amended by this section, is set forth in Comp. St. 1901, p. 3040. The amendment consists in the addition, after the words, "where those interested can most conveniently do them," at the end of the section as originally enacted, of the provisions for enforcement of compliance with the terms of the certificate of inspection and the provisions of law, beginning with the words, "And whenever any local inspector or supervising inspector ascertains," etc., to the end of the section as set forth here.

## Sec. 4459.

[Repealed. Act March 3, 1905, c. 1456, § 4.]

This section, set forth in Comp. St. 1901, p. 3043, is expressly repealed by Act March 3, 1905, c. 1456, § 4, set forth above.

## CHAPTER TWO.

### Transportation of Passengers and Merchandise.

#### Sec. 4470.

[Amended. Act March 3, 1905, c. 1457, § 7.]

This section, set forth in Comp. St. 1905, p. 3049, is amended by Act March 3, 1905, c. 1457, § 7, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 7. [H. R. 18202.]**

**Amendment of Rev. St. § 4470.**

Sec. 7. That section forty-four hundred and seventy of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

#### **Precautions against fire.**

"Sec. 4470. Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold and to the different compartments thereof to extinguish fire, or such other suitable apparatus as may be prescribed by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce and Labor, for extinguishing fire in the hold and compartments thereof by the introduction through pipes into such hold and compartments of carbonic acid gas or other fire-extinguishing gas or vapor; and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all woodwork or other ignitable substances about the boilers, chimneys, cook houses, and stovepipes, exposed to ignition shall be thoroughly shielded by some incombustible material in such a manner as to leave the air to circulate freely between such material and woodwork or other ignitable substance; and before granting a certificate of inspection the inspector shall require all other necessary provisions to be made throughout such vessel to guard against loss or danger from fire."

Act March 3, 1905, c. 1457, § 7, 33 Stat. 1031.

Rev. St. § 4470, amended by this section, is set forth in Comp. St. 1901, p. 3049. The amendment consists in the insertion, after the words, "to extinguish fire," at the end of the first clause of the section as originally enacted, of the provisions beginning with the words, "or such other suitable apparatus," and ending with the words, "or other fire-extinguishing gas or vapor," as set forth here.

#### Sec. 4472. [*As amended 1877, 1901.*]

[Amended. Act Feb. 18, 1905, c. 586. Act March 3, 1905, c. 1457, § 8.]

This section, set forth, as previously amended, in Comp. St. 1901, p. 3050, is further amended by Act Feb. 18, 1905, c. 586, and again by Act March 3, 1905, c. 1457, § 8, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 8. [H. R. 18202.]**

**Amendment of Rev. St. § 4472.**

Sec. 8. That section forty-four hundred and seventy-two of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Dangerous articles not to be carried on passenger steamers; [gasoline, etc., in automobiles.]**

"Sec. 4472. No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered and secured in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor; nor shall gunpowder be carried on any such vessel except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum, which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other practicable mode of transporting it, and under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor; and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel, and friction matches may be carried on such steamers when securely packed in strong, tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying passengers or freight, to guard against and extinguish fire, as shall be prescribed by the board of supervising inspectors and approved by the Secretary of Commerce and Labor. Nothing in the foregoing or following sections of this Act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: Provided, however, That all fire, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: Provided further, That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids."

Act March 3, 1905, c. 1457, § 8, 33 Stat. 1031.

Rev. St. § 4472, amended by this section, is set forth, as previously



amended by Act Feb. 27, 1877, c. 69, § 1, and Act Feb. 20, 1901, c. 386, in Comp. St. 1901, p. 3050. The amendment added to the section by the act last mentioned was itself amended by Act Feb. 18, 1905, c. 586, 33 Stat. 720; and this amendment, which changed the language of the first proviso only of the section, is incorporated in the same words in the section as amended by Act March 3, 1905, c. 1457, § 8, as set forth here.

## Sec. 4480.

[Amended. Act March 3, 1905, c. 1456, § 2.]

This section, set forth in Comp. St. 1901, p. 3053, is amended by Act March 3, 1905, c. 1456, § 2, set forth below.

**ACT MARCH 3, 1905, c. 1456, § 2. [H. R. 18201.]**

**Amendment of Rev. St. § 4480.**

Sec. 2. That section forty-four hundred and eighty of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Tiller ropes, [tiller rods or chains,] bell-pulls, [tubes,] etc., for passenger steamers.**

"Sec. 4480. Every steamer carrying passengers shall be provided with such tiller ropes, tiller rods, or chains for the purpose of steering and navigating the vessel, and such bell-pulls for signaling the engineer from the pilot house, and such tubes or other arrangement to repeat back the signal to the pilot house, as may be prescribed by the board of supervising inspectors, with the approval of the Secretary of Commerce and Labor."

Act March 3, 1905, c. 1456, § 2, 33 Stat. 1028.

Rev. St. § 4480, amended by this section, is set forth in Comp. St. 1901, p. 3053.

## Sec. 4483.

[Amended. Act March 3, 1905, c. 1456, § 3.]

This section, set forth in Comp. St. 1901, p. 3054, is amended by Act March 3, 1905, c. 1456, § 3, set forth below.

**ACT MARCH 3, 1905, c. 1456, § 3. [H. R. 18201.]**

**Amendment of Rev. St. § 4483.**

Sec. 3. That section forty-four hundred and eighty-three of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Fire buckets, axes, etc., for river steamers carrying passengers.**

"Sec. 4483. Every such steam vessel carrying passengers shall keep such fire buckets, axes, and water barrels as shall be prescribed by the regulations established by the board of supervising inspectors, with the approval of the Secretary of Commerce and Labor. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in

good order and ready for immediate use. Tanks of suitable dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels."

Act March 3, 1905, c. 1456, § 3, 33 Stat. 1028.

Rev. St. § 4483, amended by this section, is set forth in Comp. St. 1901, p. 3054.

**Sec. 4488.** [*As amended 1889.*]

[Amended. Act March 3, 1905, c. 1454, § 3.]

This section, set forth, as amended by Act March 2, 1889, c. 418, § 1, in Comp. St. 1901, p. 3055, is further amended by Act March 3, 1905, c. 1454, § 3, set forth below.

**ACT MARCH 3, 1905, c. 1454, § 3.** [H. R. 18198.]

**Amendment of Rev. St. § 4488.**

Sec. 3. That section forty-four hundred and eighty-eight of the Revised Statutes of the United States be amended to read as follows:

**Lifeboats, etc., [life-preservers, etc.,] on ocean, lake, and sound steamers; [manufacture, sale, etc., of improperly constructed life-preservers, etc., made punishable.]**

"Sec. 4488. Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of lifeboats, floats, rafts, life-preservers, line-carrying projectiles, and the means of propelling them, and drags, as will best secure the safety of all persons on board such vessel in case of disaster; and every seagoing vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the lifeboats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the character of lifeboats, floats, rafts, life-preservers, line-carrying projectiles, and the means of propelling them, and drags that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed. Every vessel subject to the provisions of this title shall, while in operation, carry one life-preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew: Provided, however, That upon such vessels and under such conditions as are specified in section forty-four hundred and eighty-two floats may be substituted for life-preservers. Any person who willfully and knowingly manufactures or sells, or offers for sale, or has in his possession with intent to sell, life-preservers containing metal or other nonbuoyant material, for the purpose of increasing the weight thereof, or more metal or

other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell any other articles commonly used for preservation of life or the prevention of fire on board vessels subject to the provisions of this title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall upon conviction, be fined not more than two thousand dollars, and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years."

Act March 3, 1905, c. 1454, § 3, 33 Stat. 1024.

Rev. St. § 4488, amended by this section, is set forth, as previously amended in Comp. St. 1901, p. 3055. The amendment consists in the change, in the provision of the section relating to the powers of the board of supervising inspectors, of the word "kind," in two places in which it occurred in that provision as originally enacted, to the word "character," and in the addition, after the words of said provision, "the navigation in which the steamer is employed," at the end of the section as originally enacted, of the provisions relating to life-preservers, etc., beginning with the words, "Every vessel subject to the provisions of this title," etc., to the end of the section as set forth here.

## Sec. 4489.

**ACT APRIL 11, 1892, c. 41.**

**Line-carrying projectiles not required on steamers on lakes, etc.**

The provisions of Act March 2, 1889, c. 418, § 1, amending Rev. St. §§ 4488, 4489, but repealed by Act April 11, 1892, c. 41, set forth in Comp. St. 1901, p. 3057, so far as they related to "the carrying of line-carrying projectiles and the means of propelling them on steamers plying exclusively upon any of the lakes, bays, or sounds of the United States," are again included in Rev. St. § 4488, as amended by Act March 3, 1905, c. 1454, § 3, set forth above, which in express terms includes "every steamer navigating the ocean, or any lake, bay, or sound of the United States."

## Sec. 4491.

**Use of instruments for security of life.**

The powers of the executive committee of the board of supervising inspectors, provided for by Rev. St. § 4405, as amended by Act March 3, 1905, c. 1453, § 1, set forth ante, under chapter 1 of this Title, are extended by said section to the approval of the instruments, machines, and equipments referred to in Rev. St. § 4491, set forth in Comp. St. 1901, p. 3058.

## Sec. 4498.

[Amended. Act March 3, 1905, c. 1457, § 9.]

This section, set forth in Comp. St. 1901, is amended by Act March 3, 1905, c. 1457, § 9, set forth below.

**ACT MARCH 3, 1905, c. 1457, § 9. [H. R. 18202.]**

**Amendment of Rev. St. § 4498.**

Sec. 9. That section forty-four hundred and ninety-eight of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Registry, enrollment, etc., denied to vessels not complying with the law.**

"Sec. 4498. A register, enrollment, or license shall not be granted or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this title until all the provisions of this title applicable to such vessel have been fully complied with and until the certificate of inspection required by this title for such vessel has been filed with said collector."

Act March 3, 1905, c. 1457, § 9, 33 Stat. 1032.

Rev. St. § 4498, amended by this section, is set forth in Comp. St. 1901, p. 3060.

## **Sec. 4499.**

[Amended. Act March 3, 1905, c. 1454, § 4.]

This section, set forth in Comp. St. 1901, p. 3060, is amended by Act March 3, 1905, c. 1454, § 4, set forth below.

**ACT MARCH 3, 1905, c. 1454, § 4. [H. R. 18198.]**

**Amendment of Rev. St. § 4499.**

Sec. 4. That section forty-four hundred and ninety-nine of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Penalty for failure to comply.**

"Sec. 4499. If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this title, the owner shall be liable to the United States in a penalty of five hundred dollars for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. Persons or corporations chartering or engaging or contracting for the use of vessels subject to this title, under such terms and conditions that they have full and exclusive control of the management and operation of such vessels, shall be subject to the same penalties for violations of the provisions of this title as are now imposed upon owners of vessels thereunder, and in such cases the owners shall not be liable to such penalties for such violations by such charterers or contractors."

Act March 3, 1905, c. 1454, § 4, 33 Stat. 1025.

Rev. St. § 4499, amended by this section, is set forth in Comp. St. 1901, p. 3060. The amendment consists in the addition, after the words "having jurisdiction of the offense," at the end of the section as originally enacted, of the provisions subjecting charterers, etc., of vessels to penalties instead of the owners, beginning with the words, "Persons or corporations chartering," etc., to the end of the section as set forth here.

# TITLE LIII.

## MERCHANT SEAMEN.

### CHAPTER ONE.

#### Shipping-Commissioners.

##### Sec. 4501. [*As amended 1884.*]

**Appointment of shipping commissioners; [accounts; expenditures; compensation; clerks; fees.]**

The United States Shipping Commissioners, previously under the jurisdiction of the Secretary of the Treasury, are transferred to the Department of Commerce and Labor by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor." And by section 10 of the same act all duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to the Shipping Commissioners, their officers and employes, are transferred to, and imposed and conferred upon, the Secretary of Commerce and Labor.

##### Sec. 4504.

**ACT AUG. 19, 1890, c. 801. [*As amended 1895, 1897.*]**

**Shipment by commissioners of crews for vessels in coastwise trade, etc.; shipping agreements; discharge; provisions applicable.**

This act, set forth, as amended by Act Feb. 18, 1895, c. 97, and Act March 3, 1897, c. 389, § 8, in Comp. St. 1901, p. 3065, is further amended by the amendment of said amendatory Act Feb. 18, 1895, c. 97, by Act April 11, 1904, c. 1140, set forth below.

**ACT APRIL 11, 1904, c. 1140. [S. 8118.]**

An Act to Amend the Act Approved February Eighteenth, Eighteen hundred and ninety-five, Entitled "An Act to Amend an Act Entitled 'An Act to Amend the Laws Relative to Shipping Commissioners,' Approved August Nineteenth, Eighteen hundred and ninety, and for Other Purposes." (33 Stat. 168.)

**Amendment of Act Feb. 18, 1895, c. 1140; detention of clothing of seaman when demanded punishable.**

Be it enacted, &c., That so much of the Act approved February eighteenth, eighteen hundred and ninety-five, entitled "An Act to amend an Act entitled 'An Act to amend the laws relative to shipping commissioners,' approved August nineteenth, eighteen hundred and ninety,

and for other purposes," as reads "shall be liable to a penalty of not exceeding one hundred dollars" is hereby amended to read "shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than five hundred dollars, or both."

Act April 11, 1904, c. 1140, 33 Stat. 168.

Act Feb. 18, 1895, c. 97, amended by this act, itself amends Act Aug. 19, 1890, c. 801, which is set forth as amended in Comp. St. 1901, p. 3005. The amendment by this act consists in the change of the language of the proviso at the end of the section, which made any person detaining the clothing of a seaman when demanded liable to a penalty of \$100, so as to make such detention punishable as a misdemeanor.

## CHAPTER THREE.

### Wages and Effects.

#### Secs. 4531-4534.

**ACT JUNE 26, 1884, c. 121, § 10.** [*As amended 1886, 1898.*]

##### **Advances and allotments.**

This section, set forth, as amended by Act June 19, 1886, c. 421, § 3, and Act Dec. 21, 1898, c. 28, § 24, in Comp. St. 1901, p. 3079, is further amended by the amendment of said amendatory Act Dec. 21, 1898, c. 28, § 24, by Act April 26, 1904, c. 1603, set forth below.

**ACT APRIL 26, 1904, c. 1603.** [S. 4375.]

An Act to Amend Section Twenty-four of the Act Approved December Twenty-first, Eighteen hundred and ninety-eight, Entitled "An Act to Amend the Laws Relating to American Seamen, for the Protection of such Seamen, and to Promote Commerce." (33 Stat. 308.)

##### **Amendment of Act Dec. 21, 1898, c. 28, § 24, par. (a); receiving remuneration for procuring employment for seaman punishable.**

Be it enacted, &c., That so much of paragraph (a) of section twenty-four of the Act approved December twenty-first, eighteen hundred and ninety-eight, entitled "An Act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," as reads "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than one hundred dollars," is hereby amended to read "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and

shall be imprisoned not more than six months or fined not more than five hundred dollars."

Act April 26, 1904, c. 1608, § 1, 33 Stat. 308.

Act Dec. 21, 1898, c. 28, § 24, par. (a), amended by this act, is part of the provisions substituted by said act by amendment for the previous provisions of Act June 26, 1884, c. 121, § 10, which section is set forth, as so amended, in Comp. St. 1901, p. 3079.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect on and after July first, nineteen hundred and four.

Act April 26, 1904, c. 1603, § 2, 33 Stat. 308.

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## CHAPTER SEVEN.

### Offenses and Punishments.

#### Sec. 4606.

**Penalty for boarding vessels before arrival.**

Besides the imposition of a penalty for boarding a vessel before arrival at her destination, by Rev. St. § 4606, Comp. St. 1901, p. 3118, further restrictions on boarding vessels on arrival are provided by Act Aug. 2, 1882, c. 374, § 9, Comp. St. 1901, p. 2937, and by Act March 31, 1900, c. 120, Comp. St. 1901, p. 2940, supplementary to the previous provisions mentioned.

#### Sec. 4607.

[Amended. Act April 13, 1904, c. 1252.]

This section, set forth in Comp. St. 1901, p. 3118, is amended by Act April 13, 1904, c. 1252, set forth below.

**ACT APRIL 13, 1904, c. 1252. [S. 2261.]**

An Act to Amend Section Forty-six hundred and seven of the Revised Statutes, Relating to Soliciting Seamen as Lodgers. (33 Stat. 174.)

**Amendment of Rev. St. § 4607; application of section to vessels in foreign trade and foreign vessels.**

Be it enacted, &c., That section forty-six hundred and seven is hereby amended by adding thereto the following:

"This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels."

Act April 13, 1904, c. 1252, § 1, 33 Stat. 174.

Rev. St. § 4607, amended by this section, is set forth in Comp. St. 1901, p. 3118.

**Time of taking effect of act.**

Sec. 2. That this Act shall take effect one month after its passage.

Act April 13, 1904, c. 1252, § 2, 33 Stat. 174.

## TITLE LV.

### LIGHTS AND BUOYS.

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#### **Sec. 4653.**

##### **Organization of the Light-House Board.**

The Light-House Board, the Light-House Establishment, and all that pertains to the same, previously under the jurisdiction of the Department of the Treasury, are transferred to the Department of Commerce and Labor by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

#### **Sec. 4659.**

##### **Estimates of Light-House expenses.**

Statements in the annual Book of Estimates, under each item of appropriation under the head of "Light-House Establishment," showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the preceding fiscal year, are required by a provision of Act June 28, 1902, c. 1801, § 1, ante, under Title XLI, "Appropriations."

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## TITLE LVI.

### THE COAST SURVEY.

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#### **Sec. 4681.**

##### **President may authorize surveys.**

The Coast and Geodetic Survey, previously under the jurisdiction of the Department of the Treasury, is transferred to the Department of Commerce and Labor by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

[TITLE LVI A.]

[REGULATION OF INTERSTATE AND  
FOREIGN COMMERCE.]

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[CHAPTER ONE.]

[Regulation of Common Carriers.]

**ACT FEB. 4, 1887, c. 104, §§ 1, 3, 6, 8, 9, 10, 12, 16.**

**Carriers and transportation subject to regulations; words "railroad" and "transportation" defined; charges to be reasonable.**

The legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, appropriates \$500,000, to be immediately available, out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Attorney-General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions for violations of this act, and Act July 2, 1890, c. 647, and Act Aug. 27, 1894, c. 849, §§ 73-76. Act Feb. 25, 1903, c. 755, § 1, set forth below. And the balance of said appropriation is continued available during the fiscal years 1905 and 1906, by provisions of the sundry civil appropriation acts for those years, Act April 28, 1904, c. 1762, § 1, and Act March 3, 1905, c. 1483, § 1, also set forth below.

The deficiency appropriation act for the fiscal year ending June 30, 1903, and prior years, provides that the President may appoint, by and with the advice and consent of the Senate, an assistant to the Attorney-General, at a salary of \$7,000 per annum, and an Assistant Attorney-General, at a salary of \$5,000 per annum, and the Attorney-General is authorized to appoint and employ, without reference to the rules and regulations of the civil service, two confidential clerks, at a salary of \$1,000 per annum, each, said appointees to perform such duties as may be required of them by the Attorney-General, and their salaries to be paid out of the appropriation made by Act Feb. 25, 1903, c. 755, § 1, referred to above. Act March 3, 1903, c. 1006, set forth below.

**Undue preferences, etc., prohibited; equal facilities to connecting lines; terminal facilities.**

Besides the prohibition of undue preferences, etc., contained in Act Feb. 18, 1887, c. 104, § 3, set forth in Comp. St. 1901, p. 3155; the offering, granting, or giving, or soliciting, accepting, or receiving, any rebate, concession, or discrimination in respect to the transportation of any property in interstate and foreign commerce by any common carrier subject to this act, whereby any such property shall be transported at a less rate than that named in the tariffs to be filed by such carrier as required by this act, or whereby any other advantage is given or discrimination is practiced, is prohibited, and any person or corporation offering, granting, or giving, or soliciting, accepting, or receiving, any rebates, etc., is guilty of a misdemeanor, and punishable by a fine of not

less than \$1,000 or more than \$20,000, by Act Feb. 19, 1903, c. 708, § 1, set forth below.

**Schedules of fares and rates; notice of advances and reduction; joint rate tariffs; proceedings on failing to file or publish schedules.**

The willful failure upon the part of any carrier subject to the act to regulate commerce, Act Feb. 4, 1887, c. 104, set forth in Comp. St. 1901, pp. 3155-3171, and the acts amendatory thereof, to file and publish the tariffs and rates and charges required by said acts, or to observe such tariffs or rates and charges until changed according to law, is made a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$20,000 for each offense, by Act Feb. 19, 1903, c. 708, § 1, set forth below.

Whenever any carrier files or publishes a particular rate under the provisions of said act to regulate commerce, Act Feb. 4, 1887, c. 104, or acts amendatory thereto, or participates in any rates so filed or published, that rate, as against such carrier, its officers or agents, shall, in any prosecution, be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, is punishable, under Act Feb. 19, 1903, c. 708, § 1, set forth below.

**Liability for violation of act.**

The right to recover damages given by Act Feb. 4, 1887, c. 104, §§ 8, 9, set forth in Comp. St. 1901, p. 3159, or any other action provided by said act and the acts amendatory thereof, is not precluded by Act Feb. 19, 1903, c. 701, set forth below, section 3 of which authorizes the Interstate Commerce Commission to file a complaint against any common carrier who, it is believed, is engaged in the carriage of passengers or freight at less than the published rates on file.

**Persons damaged may complain to Commission, or sue for damages.**

See preceding note.

**Penalty for violation of act.**

Besides the provisions of Act Feb. 4, 1887, c. 104, § 10, set forth in Comp. St. 1901, p. 3160, making punishable violations of that act, anything done or omitted to be done by a corporation common carrier subject to that act and the acts amendatory thereof, which if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under this act, or under the provisions of Act Feb. 19, 1903, c. 708, set forth below, is also made a misdemeanor committed by such corporation, and upon conviction thereof such corporation is made subject to the penalties prescribed in said act, except as changed by said act by section 1 thereof.

In prosecutions for offenses under said acts to regulate commerce, no penalty is to be imposed on the convicted party other than the fine prescribed by law; imprisonment, wherever prescribed as part of the penalty, being abolished, by Act Feb. 19, 1903, c. 708, § 1, set forth below.

**Authority, powers, and proceedings of Commission; attendance and examination of witnesses; self-terminating testimony.**

Besides the provisions contained in Act Feb. 4, 1887, c. 104, § 12, set forth in Comp. St. 1901, p. 3162, relating to the powers and proceedings of the Interstate Commerce Commission, further provisions, authorizing the Commission, when it shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the public rates on file, or is committing any discriminations forbidden by law, to present a petition alleging such facts to the circuit court of the United States, and for inquiry by such court into the circumstances alleged in such petition, for compelling the attendance of witnesses, etc., and requiring the special district attorneys under direction of the Attorney-General to institute

and prosecute such proceedings, are contained in Act Feb. 19, 1903, c. 708, § 3, set forth below.

No person can be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution, under Act Feb. 4, 1887, c. 104, and all acts amendatory thereof and supplementary thereto, by Act Feb. 25, 1903, c. 755, § 1, set forth below. Said act further provides that no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

The Commissioner of Corporations, the head of the Bureau of Corporations in the Department of Commerce and Labor established by Act Feb. 14, 1903, c. 552, § 6, ante, under Title XII A, "The Department of Commerce and Labor," is, by that section, to have and exercise, in order to accomplish the purposes declared in the section, in respect to corporations, etc., engaged in commerce among the several States and with foreign nations, excepting common carriers subject to this act, the same power and authority as is conferred on the Interstate Commerce Commission in this act and the amendments thereto in respect to common carriers, so far as the same may be applicable. And by further provisions of said section referred to above, it is made the province and duty of said Bureau of Corporations to gather, compile, etc., useful information concerning corporations doing business within the United States engaged in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance.

**Proceedings in circuit courts for violations of orders of Commission; appeals to Supreme Court.**

Suits in equity in any circuit court under the act to regulate commerce, Act Feb. 4, 1887, c. 104, or any other acts having a like purpose afterwards enacted, wherein the United States is complainant, shall, if the Attorney General files with the clerk of such court a certificate that the case is of general public importance, be given precedence over other suits, and shall be assigned for hearing at the earliest practicable date, before not less than three of the circuit judges of the proper circuit, if there are three or more judges, or, if there are not more than two circuit judges, then before them and a district judge, by Act Feb. 11, 1903, c. 544, post, under Title LVI B, "Monopolies and Combinations in Restraint of Trade." Said act also provides that if the judges sitting in such case shall be divided in opinion the case shall be certified to the Supreme Court for review. Said act also makes provisions for appeals from the final decree of the circuit court direct to the Supreme Court.

**ACT MARCH 2, 1893, c. 196. [As amended 1896.]**

**Driving-wheel brakes, and appliances for operating train-brake system.**

The provisions of this act, as amended by Act April 1, 1896, c. 87, are made applicable to common carriers by railroads in the Territories and the District of Columbia, and to all cases, whether or not the couplers brought together are of the same kind, make, or type, by Act March 2, 1903, c. 976, set forth below. Said act also provides that the provisions of this act shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, except as to those trains, etc., exempted from the provisions of this act by section 6 thereof, or which are used on street railways. Said act further prescribes the minimum number of cars in a train which need not be equipped with power or train brakes.

**ACT FEB. 19, 1903, c. 708.**

An Act To Further Regulate Commerce With Foreign Nations and Among the States. (32 Stat. 847.)

**Corporation common carriers liable for violations of acts regulating commerce; failure to file tariff, penalty; rebates, concessions, and discriminations prohibited, penalty; imprisonment as penalty abolished; jurisdiction of prosecutions; liability for acts of agents, etc.; published rates to be adhered to.**

Be it enacted, &c., That anything done or omitted to be done by a corporation common carrier, subject to the Act to regulate commerce and the Acts amendatory thereof which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said Acts or under this Act shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said Acts or by this Act with reference to such persons except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said Acts to file and publish the tariffs or rates and charges as required by said Acts or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine not less than one thousand dollars nor more than twenty thousand dollars for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce by any common carrier subject to said Act to regulate commerce and the Acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said Act to regulate commerce and the Acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced. Every person or corporation who shall offer, grant, or give or solicit, accept or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than twenty thousand dollars. In all convictions occurring after the passage of this Act for offenses under said Acts to regulate commerce, whether committed before or after the passage of this Act, or for offenses under this section, no penalty shall be imposed on the convicted party other than the fine prescribed by law, imprisonment wherever now prescribed as part of the penalty being hereby abolished. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission, or failure of such carrier as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the Act to regulate commerce or Acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers, or agents in any prosecution begun under this Act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this Act.

Act Feb. 19, 1903, c. 708, § 1, 32 Stat. 847.

The act mentioned in this section is Act Feb. 4, 1887, c. 104, set forth, as amended by Act March 2, 1889, c. 382, Act Feb. 10, 1891, c. 128, and Act Feb. 8, 1895, c. 61, in Comp. St. 1901, pp. 3154-3171. Section 10 prescribes the penalties for violations thereof. Section 6 makes provision for the publication of schedules of fares and rates.

**Parties to proceedings to enforce interstate commerce acts.**

Sec. 2. That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

Act Feb. 19, 1903, c. 708, § 2, 32 Stat. 848.

See note under preceding section of this act.

**Proceedings in equity for enforcement of tariffs, prohibition of discriminations, etc.; duties of district attorneys; recovery of damages; compulsory attendance of witnesses, etc.; precedences to be given hearings.**

Sec. 3. That whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the circuit court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satis-

fied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States, whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute such proceedings, and the proceedings provided for by this Act shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by said Act approved February fourth, eighteen hundred and eighty-seven, entitled An Act to regulate commerce and the Acts amendatory thereof. And in proceedings under this Act and the Acts to regulate commerce the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence documentary or otherwise in such proceeding: Provided, That the provisions of an Act entitled "An Act to expedite the hearing and determination of suits in equity pending or hereafter brought under the Act of July second, eighteen hundred and ninety, entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted, approved February eleventh, nineteen hundred and three," shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission.

Act Feb. 19, 1903, c. 708, § 3, 32 Stat. 848.

The suits for recovery of damages, mentioned in this section, are authorized by Act Feb. 4, 1887, c. 104, § 8, Comp. St. 1901, p. 3159. Section 12 of said act contains provisions relating to the attendance and examination of witnesses, etc. See, also, note under section 1 of this act.

Act Feb. 11, 1903, c. 544, also mentioned in this section, is set forth post, under Title LVI B, "Monopolies and Combinations in Restraint of Trade."

**Repeal; pending cases not affected.**

Sec. 4. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, but such repeal shall not affect causes now pending nor rights which have already accrued, but such causes shall be prosecuted to a conclusion and such rights en-

forced in a manner heretofore provided by law and as modified by the provisions of this Act.

Act Feb. 19, 1903, c. 708, § 4, 32 Stat. 849.

See note under section 1 of this act.

**Time of taking effect of act.**

Sec. 5. That this Act shall take effect from its passage.

Act Feb. 19, 1903, c. 708, § 5, 32 Stat. 849.

**ACT FEB. 25, 1903, c. 755, § 1.**

**Appropriation for enforcement of anti-trust and interstate commerce laws; exemptions from prosecutions of persons giving testimony; prosecutions for perjury in giving testimony.**

That for the enforcement of the provisions of the Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof or supplemental thereto, and of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, and all Acts amendatory thereof or supplemental thereto, and sections seventy-three, seventy-four, seventy-five, and seventy-six of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and other purposes," approved August twenty-seventh, eighteen hundred and ninety-four, the sum of five hundred thousand dollars, to be immediately available, is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney-General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said Acts in the courts of the United States: Provided, That no person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said Acts: Provided further, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 904.

This is a provision of the legislative, executive, and judicial appropriation act for the year ending June 30, 1904, cited above. The acts mentioned in the text are Act Feb. 4, 1887, c. 104, set forth as amended by Act March 2, 1889, c. 382, § 1, Act Feb. 10, 1891, c. 128, and Act Feb. 8, 1895, c. 61, in Comp. St. 1901, pp. 3154-3171; Act July 2, 1890, c. 647, set forth in Comp. St. 1901, pp. 3200-3202; and Act Aug. 27, 1894, c. 349, §§ 73-77, set forth in Comp. St. 1901, pp. 3202, 3203.

The balance of the appropriation made by this act is continued available during the next following fiscal years 1905 and 1906, by provisions of the sundry civil appropriation acts for those years, Act April 28, 1904, c. 1762, § 1, and Act March 3, 1905, c. 1483, § 1, set forth below.

Act March 3, 1903, c. 1006, set forth below, authorizes the President, by and with the advice and consent of the Senate, to appoint an assistant to the Attorney-General and an assistant Attorney-General, with compensation at the rate of \$7,500 and \$5,000 per annum, respectively, and the Attorney-General is authorized to appoint and employ two confidential clerks at a compensation at the rate of \$1,600 each per annum, said compensations to be paid from the appropriation made by this act.



**ACT MARCH 2, 1903, c. 976.**

An Act To Amend an Act Entitled "An Act to Promote the Safety of Employees and Travelers Upon Railroads by Compelling Common Carriers Engaged in Interstate Commerce to Equip Their Cars with Automatic Couplers and Continuous Brakes and Their Locomotives with Driving-Wheel Brakes, and for Other Purposes," Approved March Second, Eighteen Hundred and Ninety-Three, and Amended April First, Eighteen Hundred and Ninety-Six. (32 Stat. 943.)

**Provisions of act requiring driving-wheel brakes, etc., extended; exceptions.**

Be it enacted, &c., That the provisions and requirements of the Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March second, eighteen hundred and ninety-three, and amended April first, eighteen hundred and ninety-six, shall be held to apply to common carriers by railroads in the Territories and the District of Columbia and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type; and the provisions and requirements hereof and of said Acts relating to train brakes, automatic couplers, grab irons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section six of said Act of March second, eighteen hundred and ninety-three, as amended by the Act of April first, eighteen hundred and ninety-six, or which are used upon street railways.

Act March 2, 1903, c. 976, § 1, 32 Stat. 943.

This section extends the provisions of Act March 2, 1893, c. 196, as amended by Act April 1, 1896, c. 87, set forth in Comp. St. 1901, pp. 3174-3176, to common carriers by railroads in the Territories and the District of Columbia, and to trains, locomotives, etc., as set forth in the text. Section 6 of said act, mentioned in this section, excepts from the other provisions of the act trains composed of four-wheel cars, trains composed of eight-wheel standard logging cars where the height of such car from the top of rail to center of coupling does not exceed 25 inches, and locomotives used in hauling such trains when such cars or locomotives are exclusively used for the transportation of logs, and is set forth in Comp. St. 1901, p. 3175.

**Minimum number of cars to be operated by train brakes; increase of number by Interstate-Commerce Commission.**

Sec. 2. That whenever, as provided in said Act, any train is operated with power or train brakes, not less than fifty per centum of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said fifty per centum shall have their brakes so used and operated; and,

to more fully carry into effect the objects of said Act, the Interstate-Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate-Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section.

Act March 2, 1903, c. 976, § 2, 32 Stat. 943.

See note under preceding section of this act.

**Time of taking effect of act; act not to relieve from duties and liabilities under previous acts.**

Sec. 3. That the provisions of this Act shall not take effect until September first, nineteen hundred and three. Nothing in this Act shall be held or construed to relieve any common carrier, the Interstate-Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements of said Act of March second, eighteen hundred and ninety-three, as amended by the Act of April first, eighteen hundred and ninety-six; and all of the provisions, powers, duties, requirements and liabilities of said Act of March second, eighteen hundred and ninety-three, as amended by the Act of April first, eighteen hundred and ninety-six, shall, except as specifically amended by this Act, apply to this Act.

Act March 2, 1903, c. 976, § 8, 32 Stat. 943.

See note under section 1 of this act.

**ACT MARCH 3, 1903, c. 1006.**

**Appointment of assistant to the Attorney-General, Assistant Attorney-General, and confidential clerks; compensation; duties.**

That under, and to be paid from, the appropriation of five hundred thousand dollars for the enforcement of the provisions of the Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof or supplemental thereto, and other Acts mentioned in said appropriation, made in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and four, the President is authorized to appoint, by and with the advice and consent of the Senate, an assistant to the Attorney-General with compensation at the rate of seven thousand dollars per annum and an Assistant Attorney-General at a compensation at the rate of five thousand dollars per annum; and the Attorney-General is authorized to appoint and employ, without reference to the rules and regulations of the civil service, two confidential clerks at a compensation at the rate of one thousand six hundred dollars each per annum, to be paid from said appropriation. Said assistant to the Attorney-General and Assistant Attorney-General shall perform such duties as may be required of them by the Attorney-General.

Act March 3, 1903, c. 1006, 32 Stat. 1062.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, and prior years, cited above. The appropriation mentioned in the text is made by Act Feb. 25, 1903, c. 755, § 1,

set forth above, and is continued available during the fiscal years 1905 and 1906, by provisions of Act April 28, 1904, c. 1762, § 1, and Act March 3, 1905, c. 1483, § 1, set forth below. See note under said provision of Act Feb. 25, 1903, c. 755, § 1, above.

**ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

**Appropriation for enforcement of interstate commerce and anti-trust laws continued available.**

Enforcement of antitrust laws: That the balance of the appropriation of five hundred thousand dollars for the enforcement of the provisions of the Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof or supplemental thereto, and other Acts mentioned in said appropriation, made in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and four, approved February twenty-fifth, nineteen hundred and three, shall continue available during the fiscal year nineteen hundred and five.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 507.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above. The appropriation mentioned therein, made by Act Feb. 25, 1903, c. 755, § 1, is set forth above. See note under that provision.

A subsequent provision continuing the balance of the appropriation during the fiscal year 1906, contained in Act March 3, 1905, c. 1483, § 1, is set forth below.

**ACT FEB. 23, 1905, c. 744. [H. R. 18785.]**

An Act to Promote the Security of Travel upon Railroads Engaged in Interstate Commerce, and to Encourage the Saving of Life. (33 Stat. 743.)

**Medals of honor for persons endangering their own lives in saving lives on railroads.**

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be prepared bronze medals of honor, with suitable emblematic devices, which shall be bestowed upon any persons who shall hereafter, by extreme daring, endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce: Provided, That no award of said medal shall be made to any person until sufficient evidence of his deserving shall have been furnished and placed on file, under such regulations as may be prescribed by the President of the United States.

Act Feb. 23, 1905, c. 744, § 1, 33 Stat. 743.

**Rosettes, etc., to be issued to persons to whom medals are awarded.**

Sec. 2. That the President of the United States be, and he is hereby, authorized to issue to any person to whom a medal of honor may be awarded under the provisions of this Act a rosette or knot, to be worn in lieu of the medal, and a ribbon to be worn with the medal; said

rosette or knot and ribbon to be each of a pattern to be prescribed by the President of the United States: Provided, That whenever a ribbon issued under the provisions of this Act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued, a new ribbon shall be issued to such person without charge therefor.

Act Feb. 23, 1905, c. 744, § 2, 33 Stat. 743.

**Appropriations made available.**

Sec. 3. That the appropriations for the enforcement and execution of the provisions of the Acts to promote the safety of employees and travelers upon railroads are hereby made available for carrying out the provisions of this Act.

Act Feb. 23, 1905, c. 744, § 3, 33 Stat. 743.

Acts to promote the safety of employees and travelers upon railroads, referred to in this section, are Act March 2, 1893, c. 196, amended by Act April 1, 1896, c. 87, set forth in Comp. St. 1901, pp. 3174-3176, and Act March 2, 1903, c. 976, set forth above.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

**Appropriation for enforcement of interstate commerce and anti-trust laws continued available.**

Enforcement of antitrust laws: That the balance of the appropriation of five hundred thousand dollars for the enforcement of the provisions of the Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof or supplemental thereto, and other Acts mentioned in said appropriation, made in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and four, approved February twenty-fifth, nineteen hundred and three, shall continue available during the fiscal year nineteen hundred and six.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. The appropriation mentioned therein, made by Act Feb. 25, 1903, c. 755, § 1, is set forth above. See note under that provision.

A previous provision, continuing the balance of the appropriation during the fiscal year 1905, contained in Act April 28, 1904, c. 1762, § 1, is set forth above.

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## [CHAPTER TWO.]

### [Regulation of Use of Means of Transportation.]

**ACT FEB. 8, 1897, c. 172.**

[Amended. Act Feb. 8, 1905, c. 550.]

This act, set forth in Comp. St. 1901, p. 3180, is amended by Act Feb. 8, 1905, c. 550, set forth below.

**ACT MAY 9, 1902, c. 784, § 1.**

**Oleomargarine, butterine, etc., transported into a State, etc., subject to its police powers.**

Be it enacted, &c., That all articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Act May 9, 1902, c. 784, § 1, 32 Stat. 193.

This section is part of an act amendatory of and supplementary to Act Aug. 2, 1886, c. 840, Comp. St. 1901, pp. 2228-2235, other sections of which are set forth ante, under Title XXXV, "Internal Revenue," c. 7 B.

**ACT FEB. 8, 1905, c. 550. [H. R. 9493.]**

An Act to Amend the Act of February Eighth, Eighteen hundred and ninety-seven, Entitled "An Act to Prevent the Carrying of Obscene Literature and Articles Designed for Indecent and Immoral Use from One State or Territory into Another State or Territory," so as to Prevent the Importation and Exportation of the Same. (33 Stat. 705.)

**Amendment of Act Feb. 8, 1897, c. 172; obscene books, etc., articles, etc., not to be deposited with common carrier for carriage; violations of act punishable.**

Be it enacted, &c., That the Act of February eighth, eighteen hundred and ninety-seven, entitled "An Act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," be, and hereby is, amended so as to read:

"It shall be unlawful for any person to deposit with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia into any other State or Territory of the United States or the District of Columbia, or from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction of the United States, or who shall cause to be brought into any place in or subject to the jurisdiction of the United States from any foreign country, any obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any article or thing designed or intended for the prevention of conception, or procuring of abortion, or any written or

printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore-mentioned articles, matters, or things may be obtained or made; and any person who shall knowingly deposit, or cause to be deposited, with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States, or for carriage from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through any foreign country, to any place in or subject to the jurisdiction of the United States, or who shall take from such express company or other common carrier with intent to sell, distribute, or circulate any matter or thing herein forbidden to be deposited for carriage shall for each offense, upon conviction thereof, be fined not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court."

Act Feb. 8, 1905, c. 550, 33 Stat. 705.

Act Feb. 8, 1897, c. 172, amended by this act, is set forth in Comp. St. 1901, p. 3180. The amendment extends the provisions of the act amended to the deposit of any book, etc., article, etc., described therein, with a common carrier for carriage to a foreign country, and to the causing to be brought from a foreign country any such book, etc., article, etc.

**ACT MARCH 3, 1905, c. 1501. [H. R. 18754.]**

**An Act to Prohibit Importation or Interstate Transportation of Insect Pests, and the Use of the United States Mails for that Purpose. (33 Stat. 1269.)**

**Transportation, removal, or importation of insect pests, etc., except for scientific purposes, forbidden.**

Be it enacted, &c., That no railroad, steamboat, express, stage, or other transportation company shall knowingly transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, or from a foreign country into the United States, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a foreign country into the United States, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables,

field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid.

Act March 3, 1905, c. 1501, § 1, 33 Stat. 1269.

**Letters, parcels, etc., containing insect pests, etc., non-mailable, except for scientific purposes; violations of section punishable.**

Sec. 2. That any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees, or any letter, parcel, box, or package which contains the eggs, pupæ, or larvæ of any insect injurious as aforesaid, whether sealed as first-class matter or not, is hereby declared to be nonmailable matter, except when mailed for scientific purposes under the regulations hereinafter provided for, and shall not be conveyed in the mails, nor delivered from any post-office, nor by any letter carrier, except when mailed for scientific purposes under the regulations hereinafter provided for; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of aiding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court: Provided, That nothing in this Act shall authorize any person to open any letter or sealed matter of the first-class not addressed to himself.

Act March 3, 1905, c. 1501, § 2, 33 Stat. 1270.

**Regulations for mailing, shipping, transportation, etc., for scientific purposes, of insects, etc., within sections 1 and 2 of act.**

Sec. 3. That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections one and two of this Act may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections one and two of this Act may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: Provided, That the rules and regulations of the Secretary of Agriculture, in so far as they affect the method of mailing insects, shall be approved by the Postmaster-General, and nothing in this Act shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of this Act, prohibiting or regulating the admission into that State of insects from a foreign country.

Act March 3, 1905, c. 1501, § 3, 33 Stat. 1270.

**Violations of provisions of section 1 of act punishable.**

Sec. 4. That any person, company, or corporation who shall knowingly violate the provisions of section one of this Act shall, for each offense, be fined, upon conviction thereof, not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

Act March 3, 1905, c. 1501, § 4, 33 Stat. 1270.

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## [CHAPTER THREE.]

### [Inspection and Regulation of Importation, Exportation, and Transportation of Live Animals, Meats, Dairy Products, and Adulterated Food, Drugs, and Liquors.]

#### **ACT MAY 29, 1884, c. 60, §§ 4, 5, 8.**

##### **Investigation as to pleuro-pneumonia, and other contagious, etc., diseases; regulations.**

The agricultural appropriation acts for recent fiscal years make appropriations to carry out the provisions of Act May 29, 1884, c. 60, and other acts for similar purposes, set forth in Comp. St. 1901, pp. 3182-3193, with special provisions as to the use of such appropriations for purposes specified. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

The powers conferred on the Secretary of the Treasury by sections 4 and 5 of this act are conferred on the Secretary of Agriculture, to be exercised exclusively by him, by provisions of Act Feb. 2, 1903, c. 349, set forth below. And the Secretary of Agriculture is authorized by said act to establish rules and regulations concerning the exportation and transportation of diseased live stock, and to make regulations and take measures to prevent the introduction or dissemination of contagious, infectious, or communicable disease of animals, and the violation of the orders or regulations made in pursuance thereof is made a misdemeanor, punishable by fine or imprisonment.

Provisions for the establishment by the Secretary of Agriculture of quarantine when cattle or other live stock are affected with any contagious, etc., disease, and for maintaining such quarantine and the making and enforcement of regulations in regard thereto, are contained in Act March 3, 1905, c. 1496, set forth below.

##### **Measures to prevent exportation of diseased live stock authorized.**

See note under preceding section of this act.

##### **Pleuro-pneumonia in District of Columbia.**

Section 8 of Act May 29, 1884, c. 60, set forth in Comp. St. 1901, p. 3184, authorizing the Commissioners of the District of Columbia to take measures to suppress the spread of contagious, etc., diseases among animals, is perhaps superseded by Act Feb. 2, 1903, c. 349, § 2, set forth below, which authorizes the Secretary of Agriculture to suppress the spread of such diseases in the District of Columbia, and Act March 3, 1905, c. 1496, also set forth below, which authorizes him to establish and maintain quarantine in the District of Columbia, as well as in any State or Territory, where cattle or other live stock are affected with any contagious, etc., disease.



**ACT AUG. 30, 1890, c. 839, §§ 1, 7, 10.**

**Inspection of salted pork and bacon for export; inspector's certificate and identification marks; forgery; penalty.**

The provision by which the products and carcasses of horses were entitled to the same inspection as those of other animals, which was contained in Act May 25, 1900, c. 555, Comp. St. 1901, p. 3192, was repeated in the subsequent agricultural appropriation acts until and including the act for the fiscal year 1904, Act March 3, 1903, c. 1008, 32 Stat. 1150, but is omitted from the similar acts for the fiscal years ending June 30, 1905, and June 30, 1906.

The further provision that the Secretary of Agriculture may waive the requirement of a certificate with beef and other products which are exported to countries that do not require such inspection, also contained in Act May 25, 1900, c. 555, Comp. St. 1901, p. 3192, is repeated in the subsequent agricultural appropriation acts for each fiscal year. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, is set forth below.

**Quarantine of imported cattle, etc.**

Besides the provisions of Act Aug. 30, 1890, c. 839, § 7, Comp. St. 1901, p. 3187, for placing in quarantine cattle and certain other animals imported into the United States, provisions for quarantining any State or Territory or the District of Columbia or any portion of any of them, when cattle or other live stock therein are affected with any contagious, etc., disease, are contained in Act March 3, 1905, c. 1496, set forth below.

**Inspection of animals imported or intended for export.**

See notes under preceding sections of this act.

**ACT MARCH 3, 1891, c. 555, §§ 1-3, 6. [As amended 1895.]**

**Inspection of cattle intended for export; inspectors; certificates; clearance of vessels.**

The agricultural appropriation acts for recent fiscal years make appropriations to carry out the provisions of Act March 3, 1891, c. 555, and the amendatory Act March 2, 1895, c. 169, as well as other acts for similar purposes, set forth in Comp. St. 1901, pp. 3182-3193, with special provisions as to the use of such appropriations for purposes specified. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, is set forth below.

Live horses are entitled to the same inspection as other animals, by a provision of Act May 25, 1900, c. 555, set forth in Comp. St. 1901, p. 3192, which is repeated in the agricultural appropriation acts for subsequent years, except that, in said acts for the fiscal years 1905 and 1906, products and carcasses thereof are not included. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, is set forth below.

The provisions of Act March 3, 1891, c. 555, as amended by Act March 2, 1895, Comp. St. 1901, pp. 3189-3192, for the inspection of live cattle and products thereof, may be construed to include dairy products intended for exportation to any foreign country, by provisions of Act March 2, 1901, c. 806, set forth in Comp. St. 1901, p. 3193, which are repeated in the subsequent agricultural appropriation acts for the fiscal years 1905 and 1906. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, is set forth below.

**Inspection of cattle whose meat is to be exported.**

See notes under preceding section of this act.

**Inspection of cattle, etc., intended for interstate commerce.**

See notes under section 1 of this act.

**Official certificates for sound cattle, etc., and their carcasses, etc.**

The Secretary of Agriculture may waive the requirements of a certificate with beef and other products which are exported to countries that do not require such inspection, by a provision of Act May 25, 1900, c. 555, Comp. St. 1901, p. 3192, which is repeated in the subsequent agricultural appropriation acts for each fiscal year. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, a. 1405, is set forth below.

**ACT MAY 25, 1900, c. 555.****Inspection of horses and their carcasses, etc.; waiver of certificate of inspection of beef, etc.**

The provisions of Act May 25, 1900, c. 555, set forth in Comp. St. 1901, p. 3192, are repeated in the same language in the agricultural appropriation acts for the fiscal years 1902, 1903, and 1904. In the similar acts for the fiscal years 1905 and 1906, however, the first of these provisions is "that live horses be entitled to the same inspection as other animals herein named," omitting "the products and carcasses thereof." The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, is set forth below.

**ACT MARCH 2, 1901, c. 805.****Inspection of dairy products for exportation; identification marks, etc.**

The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3193, for construing previous acts for inspection of live cattle and products thereof to include dairy products intended for exportation to any foreign country, are repeated in the subsequent agricultural appropriation acts for each fiscal year. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

**Importation of adulterated food, drugs, and liquors; inspection and analysis.**

The further provisions of Act March 2, 1901, c. 805, also set forth in Comp. St. 1901, p. 3193, for investigating adulteration of foods, etc., imported from foreign countries, are repeated in the subsequent agricultural appropriation acts, with some changes in language in those acts after that for the fiscal year 1903, principally additions, to include in their provisions false labeling and false branding as well as adulteration, and beverages and condiments as well as food and drugs, with the ingredients of such articles. The provisions for the fiscal year 1906, contained in Act March 3, 1905, c. 1405, are set forth below.

The introduction into or sale of in any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, of any dairy or food products falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, is made a misdemeanor, and punishable by fine or imprisonment by Act July 1, 1902, c. 1357, set forth below.

**ACT JULY 1, 1902, c. 1357.**

An Act To Prevent a False Branding or Marking of Food and Dairy Products as to the State or Territory in Which They Are Made or Produced. (32 Stat. 632.)

**Introduction into any State or Territory, etc., from any other, or sale in any Territory or District of Columbia, of dairy or food products falsely labeled or branded as to State or Territory in which they are made, produced, or grown, forbidden.**

Be it enacted, &c., That no person or persons, company or corpora-

tion, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

Act July 1, 1902, c. 1357, § 1, 32 Stat. 632.

Provisions for investigating the adulteration, false labeling, or false branding of foods, etc., imported from foreign countries, and for refusing delivery to the consignee of such goods found to be dangerous to health or falsely labeled or branded, contained in Act March 3, 1905, c. 1405, are set forth below.

**Penalty; jurisdiction of prosecutions.**

Sec. 2. That if any person or persons violate the provisions of this Act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

Act July 1, 1902, c. 1357, § 2, 32 Stat. 632.

**ACT FEB. 2, 1903, c. 349.**

An Act To Enable the Secretary of Agriculture to More Effectually Suppress and Prevent the Spread of Contagious and Infectious Diseases of Live Stock, and for Other Purposes. (32 Stat. 791.)

**Regulation of exportation and transportation of infected live stock by Secretary of Agriculture; shipments after inspection; fees; supervision of Bureau of Animal Industry.**

Be it enacted, &c., That in order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot and mouth disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other live stock, and to prevent the spread of such diseases, the powers conferred on the Secretary of the Treasury by sections four and five of an Act entitled "An Act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," approved May twenty-ninth, eighteen hundred and eighty-four (twenty-third United States Statutes, thirty-one), are hereby conferred on the Secretary of Agriculture, to be exercised exclusively by him. He is hereby authorized and directed, from time to time, to establish such rules and regulations concerning the exportation and transportation of live stock from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia and to foreign countries, as he may deem necessary, and all such rules and regulations shall have the force of law. Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such

officer had inspected any cattle or other live stock which were about to be shipped, driven, or transported from such locality to another, as above stated, and had found them free from Texas or splenic fever infection, pleuropneumonia, foot and mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection.

Act Feb. 2, 1903, c. 349, § 1, 32 Stat. 791.

Other provisions for the investigation of contagious, etc., diseases among live stock, the regulation of the exportation and transportation of infected live stock, and the suppression of the dissemination of such diseases among live stock by the Commissioner of Agriculture (Secretary of Agriculture), are contained in Act May 29, 1884, c. 60, set forth in Comp. St. 1901, pp. 299-301, 3183-3185, and Act July 14, 1890, c. 707, set forth in Comp. St. 1901, p. 286.

Subsequent provisions for quarantine of any State or Territory or the District of Columbia, or any portion of any of them, when cattle or other live stock therein are affected with any contagious, etc., disease, and for maintaining such quarantine and the making and enforcement of regulations in regard thereto, are contained in Act March 3, 1905, c. 1496, set forth below.

#### **Regulations to prevent contagious, etc., diseases among live stock.**

Sec. 2. That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

Act Feb. 2, 1903, c. 349, § 2, 32 Stat. 792.

See notes under preceding section of this act.

#### **Violations of act; penalty.**

Sec. 3. That any person, company, or corporation knowingly violating the provisions of this Act or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

Act Feb. 2, 1903, c. 349, § 3, 32 Stat. 792.

See notes under section 1 of this act.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]**

**Carrying out provisions for inspection of live cattle, etc., and carcasses and products thereof, for transport and treatment of export cattle, for suppression, etc., of contagious, etc., diseases of live stock, and for inspection of dairy products for export.**

General expenses, Bureau of Animal Industry: For carrying out the provisions of the Act approved May twenty-ninth, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, and the Act approved August thirtieth, eighteen hundred and ninety, providing for an inspection of meats and animals, and the provisions of the Act approved March third, eighteen hundred and ninety-one, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and to prescribe rules and regulations for the safe transport and humane treatment of export cattle from the United States to foreign countries, and the amendatory Act approved March second, eighteen hundred and ninety-five, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and also the provisions of the Act approved February second, nineteen hundred and three, to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes: Provided, That live horses be entitled to the same inspection as other animals herein named: Provided further, That the Secretary of Agriculture may, in his discretion, waive the requirement of a certificate with beef and other products, which are exported to countries that do not require such inspection, \* \* dollars, and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy and other animal products, and to prevent the spread of pleuro-pneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another; for improving and maintaining the Bureau Experiment Station, at Bethesda, Maryland; to establish, improve, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported at such ports as may be deemed necessary; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the con-

tinuation and repetition of such experimental exports; \* \* Provided, That the Secretary of Agriculture may construe the provisions of the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country and may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.

Act March 3, 1905, c. 1405, 33 Stat. 864.

These are provisions accompanying appropriations for the Bureau of Animal Industry in the Department of Agriculture, in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

Provisions which were contained in the previous agricultural appropriation acts, similar, to a greater or less extent, to those of this act set forth here, may be regarded as superseded by them. Such provisions for inspection of live horses, and also of "the products and carcasses thereof," which are not included in this act, and for waiver of the requirement of a certificate with beef and other products exported to countries not requiring inspection thereof, contained in Act May 25, 1900, c. 555, are set forth in Comp. St. 1901, p. 3192. And provisions in the same language as the last proviso set forth here, for inspection of dairy products intended for exportation, contained in Act March 2, 1901, c. 805, and repeated in subsequent agricultural appropriation acts, are set forth in Comp. St. 1901, p. 3193.

**Importation of adulterated or falsely labeled or branded foods, drugs, beverages, condiments, etc., or of such goods forbidden entry or sale or restricted in sale in countries where made, etc.; inspection and analysis; delivery of goods dangerous to health, etc., to be refused.**

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry. \* \* To investigate the adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and report the result in the bulletins of the Department; and the Secretary of Agriculture, whenever he has reason to believe that such articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee

of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded, either as to their contents or as to the place of their manufacture or production or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported, employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purpose named, \* \* dollars: \* \*

Act March 3, 1905, c. 1405, 33 Stat. 874.

These are further provisions accompanying appropriations for the Bureau of Chemistry in the Department of Agriculture, in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

Provisions which were contained in the previous agricultural appropriation acts, similar, to some extent, to those of this act set forth here, may be regarded as superseded by them. Such provisions for investigation of foods, drugs, and liquors imported from foreign countries, contained in Act March 2, 1901, c. 803, are set forth in Comp. St. 1901, p. 3193. They are repeated in the subsequent agricultural appropriation acts, with changes in some of said acts, principally additions so as to include the articles mentioned in the provisions of this act, and to extend to goods falsely labeled or branded, or forbidden entry or sale or restricted in sale in the countries in which they are made or from which they are exported, as in the provisions set forth here.

Provisions prohibiting and making punishable the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or the sale in the District of Columbia or any Territory, of dairy or food products falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, contained in Act July 1, 1902, c. 1357, are set forth above.

Provisions for registration and protection from simulation, etc., of trade-marks used in interstate or foreign commerce, are contained in Act Feb. 20, 1905, c. 592, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2.

**ACT MARCH 3, 1905, c. 1496. [H. R. 17589.]**

**An Act to Enable the Secretary of Agriculture to Establish and Maintain Quarantine Districts, to Permit and Regulate the Movement of Cattle and Other Live Stock Therefrom, and for Other Purposes. (33 Stat. 1264.)**

**Quarantine of State or Territory, etc., or portion thereof, where cattle or other live stock are affected with contagious, etc., disease.**

Be it enacted, &c., That the Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that cattle or other live stock in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the establishment of quarantine.

Act March 3, 1905, c. 1496, § 1, 33 Stat. 1264.

Previous provisions for quarantine of cattle, etc., imported into the

United States, are contained in Act Aug. 30, 1890, c. 839, § 7, set forth in Comp. St. 1901, p. 3187.

Provisions for the investigation of contagious, etc., diseases among live stock, the regulation of the exportation and transportation of infected live stock, and the prevention of the dissemination of such diseases among live stock, are contained in Act May 29, 1884, c. 60, set forth in Comp. St. 1901, pp. 299-301, 3183-3185, Act July 14, 1890, c. 707, set forth in Comp. St. 1901, p. 286, and Act Feb. 2, 1903, c. 340, set forth above.

**Transportation or delivery therefor from quarantined State or Territory, etc., or portion thereof, of cattle or other live stock, forbidden.**

Sec. 2. That no railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other live stock, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any cattle or other live stock, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other live stock, except as hereinafter provided.

Act March 3, 1905, c. 1496, § 2, 33 Stat. 1264.

Violations of the provisions of this section are made punishable by section 6 of this act, set forth below.

**Regulations for inspection, disinfection, certification, etc., and delivery and shipment of cattle or other live stock from quarantined State or Territory, etc., or portion thereof.**

Sec. 3. That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of cattle or other live stock from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section two of this Act for notice of establishment of quarantine.

Act March 3, 1905, c. 1496, § 3, 33 Stat. 1265.

**Moving cattle or other live stock from quarantined State or Territory or portion thereof, under regulations therefor.**

Sec. 4. That cattle or other live stock may be moved from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia,



under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section three of this Act; but it shall be unlawful to move, or to allow to be moved, any cattle or other live stock from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture.

Act March 3, 1905, c. 1496, § 4, 33 Stat. 1265.

Violations of the provisions of this section are made punishable by section 6 of this act, set forth below.

**Assaulting, resisting, etc., officer or employé of Bureau of Animal Industry in execution of his duties, and using dangerous or deadly weapon in resisting him, etc.; penalties.**

Sec. 5. That every person who forcibly assaults, resists, opposes, prevents, impedes, or interferes with any officer or employee of the Bureau of Animal Industry of the United States Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned not less than one month nor more than one year, or by both such fine and imprisonment; and every person who discharges any deadly weapon at any officer or employee of the Bureau of Animal Industry of the United States Department of Agriculture, or uses any dangerous or deadly weapon in resisting him in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall, upon conviction, be imprisoned at hard labor for a term not more than five years or fined not to exceed one thousand dollars.

Act March 3, 1905, c. 1496, § 5, 33 Stat. 1265.

**Violations of provisions of sections 2 or 4 of act; penalty.**

Sec. 6. That any person, company, or corporation violating the provisions of sections two or four of this Act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

Act March 3, 1905, c. 1496, § 6, 33 Stat. 1265.

## [CHAPTER SIX.]

## [Prohibition of Stamp on Gold or Silver Indicating Government Certification to Fineness or Quality.]

ACT FEB. 21, 1905, c. 720. [H. R. 15578.]

An Act to Prevent the Use of Devices Calculated to Convey the Impression that the United States Government Certifies to the Quality of Gold or Silver Used in the Arts. (33 Stat. 732.)

**Stamping gold, silver, etc., used in interstate or foreign commerce, with words "United States assay," or otherwise, to convey impression that the Government has certified to the fineness or quality thereof.**

Be it enacted, &c., That it shall be unlawful for any person, partnership, association, or corporation engaged in commerce among the several States, Territories, District of Columbia, and possessions of the United States, or with any foreign country, to stamp any gold, silver, or goods manufactured therefrom, and which are intended and used in such commerce, with the words "United States assay," or with any words, phrases, or devices calculated to convey the impression that the United States Government has certified to the fineness or quality of such gold or silver, or of the gold or silver contained in any of the goods manufactured therefrom. Each and every such stamp shall constitute a separate offense.

Act Feb. 21, 1905, c. 720, § 1, 33 Stat. 732.

**Violations of provisions of act; penalty.**

Sec. 2. That every person, partnership, association, or corporation violating the provisions of this Act, and every officer, director, or managing agent of such partnership, association, or corporation having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished with a fine of not more than five thousand dollars or imprisonment for not more than one year, or both, at the discretion of the court.

Act Feb. 21, 1905, c. 720, § 2, 33 Stat. 732.

**Forfeiture of gold, silver, or goods, bearing stamps, etc., prohibited, in course of transportation between states, etc.**

Sec. 3. That any gold, silver, or goods manufactured therefrom after the date of the passage of this Act, bearing any of the stamps, words, phrases, or devices prohibited to be used under section one hereof, and being in the course of transportation from one State to another, or to or from a Territory, the District of Columbia, or possessions of the United States, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Act Feb. 21, 1905, c. 720, § 3, 33 Stat. 732.

# [TITLE LVI B.]

## [MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE.]

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**ACT JULY 2, 1890, c. 647, §§ 1, 4.**

**Trusts, etc., in restraint of trade, etc., illegal; persons combining guilty of misdemeanor; penalty.**

An appropriation to enforce the provisions of this act is made by Act Feb. 25, 1903, c. 755, § 1, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1. Said act also provides that no person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under this act, but that no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

The balance of the appropriation made by said Act Feb. 25, 1903, c. 755, § 1, to enforce the provisions of this act, is made available during the next following fiscal years 1905 and 1906, by provisions of the sundry civil appropriation acts for those years, Act April 28, 1904, c. 1762, § 1, and Act March 3, 1905, c. 1483, § 1, also set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

The deficiency appropriation act for the fiscal year ending June 30, 1903, and prior years, being Act March 3, 1903, c. 1006, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1, provides that an assistant to the Attorney-General and an Assistant Attorney-General and two confidential clerks may be appointed at salaries of \$7,500, \$5,000, and \$1,600, respectively, per annum, said salaries to be paid out of the appropriation made by said Act Feb. 25, 1903, c. 755, § 1, referred to above.

**Jurisdiction of courts; duty of district attorneys; procedure; hearing.**

Suits in equity, brought in the circuit court, under the provisions of this act, wherein the United States is complainant, shall, if the Attorney-General files with the clerk of such court a certificate that the case is of general public importance, be given precedence over other suits, and shall be assigned for hearing at the earliest practicable date, before not less than three of the circuit judges of the proper circuit, if there are three or more judges, or if there are not more than two circuit judges then before them and a district judge, by Act Feb. 11, 1903, c. 544, set forth below.

Said act also provides that if the judges sitting in such case shall be divided in opinion the case shall be certified to the Supreme Court for review. Said act also makes provisions for appeals from the final decree of the circuit court direct to the Supreme Court.

**ACT AUG. 27, 1894, c. 349, § 73.**

**Trusts, etc., in restraint of import trade, illegal, etc.; persons combining guilty of misdemeanor; penalty.**

The legislative, executive, and judicial appropriation act for the fiscal

[TITLE LVI D.]

[AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS.]

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[CHAPTER ONE.]

[Agricultural Colleges.]

**ACT AUG. 30, 1890, c. 841, § 1.**

**Increased annual appropriations for agricultural colleges.**

Moneys received from the sale and disposal of public lands in certain States and Territories are appropriated to a "reclamation fund," for the reclamation of arid and semi-arid lands, by Act June 17, 1902, c. 1903, § 1, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation," and, by a proviso annexed to that section, in case the receipts from the sale and disposal of other public lands are insufficient to meet the requirements for the support of agricultural colleges under this act, the sum necessary is to be provided from any moneys in the Treasury not otherwise appropriated.

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[CHAPTER TWO.]

[Agricultural Experiment Stations.]

**ACT MARCH 2, 1887, c. 314, §§ 1-4.**

**Experiment stations at state agricultural colleges.**

Besides the provisions establishing agricultural experiment stations, contained in Act March 2, 1887, c. 314, set forth in Comp. St. 1901, pp. 3218-3221, a portion of the Arlington estate in the State of Virginia is set apart for experimental agricultural purposes by Act April 18, 1900, c. 243, 31 Stat. 135, and provisions for establishing and maintaining a general experimental farm and agricultural station thereon are made by the subsequent agricultural appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1405, 33 Stat. 870.

**Scope of researches of stations.**

Besides the researches described in Act March 2, 1887, c. 314, § 2, set forth in Comp. St. 1901, p. 3218, the agricultural experiment stations are authorized and directed to co-operate with the Secretary of Agriculture in various investigations, etc., by provisions of the agri-

cultural appropriation acts for each fiscal year. Such provisions for the fiscal year ending June 30, 1906, contained in Act March 3, 1905, c. 1405, are set forth below.

**Supervision of stations by Secretary of Agriculture; reports; financial statements.**

Appropriations for carrying out the provisions of section 3 of Act March 2, 1887, c. 314, set forth in Comp. St. 1901, p. 3219, with further provisions that the Secretary of Agriculture shall prescribe the form of the annual financial statement required by said section, and shall ascertain whether the expenditures under such appropriations are in accordance with the provisions of said act, and make report thereon to Congress, are contained in the agricultural appropriation acts for each fiscal year. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

**Bulletins.**

Besides the bulletins and reports of the agricultural experiment stations mentioned in Act March 2, 1887, c. 314, § 4, set forth in Comp. St. 1901, p. 3219, the preparation and printing of an annual report of the Director of the Office of Experiment Stations are provided for by Res. April 27, 1904, No. 29, set forth ante, under Title XLV, "Public Printing, Advertisements, and Public Documents."

**ACT JULY 5, 1892, c. 147.**

**Sale of index of agricultural literature; disposition of proceeds.**

The provisions of this act, set forth in Comp. St. 1901, p. 3222, are repeated in substantially similar language in the agricultural appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

**ACT AUG. 8, 1894, c. 238.**

**Form of annual financial statement.**

The provision of this act, set forth in Comp. St. 1901, p. 3222, is repeated in the same language in the agricultural appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, is set forth below.

**ACT MARCH 2, 1901, c. 805.**

**Experimental grass stations.**

The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3223, for co-operation with the Secretary of Agriculture in establishing and maintaining experimental grass stations, are repeated in the same language in the agricultural appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, set forth below.

**Report of expenditures; employment of assistants, clerks, etc.; payment to States.**

The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3223, for carrying into effect the provisions of Act March 2, 1887, c. 314, and for ascertaining and reporting whether expenditures of appropriations made therefor are in accordance with the provisions of said act, are repeated in substantially similar language in the agricultural appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

**ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]****Co-operation in establishing and maintaining experimental grass stations.**

Grass and forage plant investigations: To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods in co-operation with other divisions of the Department; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation: experimental cultivation and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses; \* \* and the agricultural experiment stations are hereby authorized and directed to co-operate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country, \* \* dollars.

Act March 3, 1905, c. 1405, 33 Stat. 869.

These are provisions accompanying appropriations under the head "General Expenses, Bureau of Plant Industry," in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

Similar provisions were contained in Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3223, and were repeated in the subsequent agricultural appropriation acts for each fiscal year, down to 1906, as set forth here.

**Carrying into effect provisions for establishment of stations; supervision by Secretary of Agriculture; annual financial statement; report of expenditures; employment of assistants, clerks, etc.; payments to States; card index of agricultural literature; stations in Alaska, Hawaii, and Porto Rico; farmers' institutes.**

Agricultural experiment stations: To carry into effect the provisions of an Act approved March second, eighteen hundred and eighty-seven, entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto," and to enforce the execution thereof, seven hundred and ninety-four thousand six hundred and sixty dollars, twenty-one thousand six hundred and sixty dollars of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section three of said Act of March second, eighteen hundred and eighty-seven, and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section three of said Act of March second, eighteen hundred and eighty-seven; shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of said Act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in

the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight and express charges, illustration of the Experiment Station Record, bulletins, and reports as he may find essential in carrying out the objects of the above Acts; and the sums apportioned to the several States shall be paid quarterly in advance. And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index, and this fund shall be available until used; and the Secretary of Agriculture is hereby authorized to expend forty-eight thousand dollars of which sum to establish and maintain agricultural experiment stations in the Territories of Alaska, Hawaii, and Porto Rico, including the erection of buildings, the printing (in Hawaii and Porto Rico), illustration, and distribution of reports and bulletins: Provided, That not more than fifteen thousand dollars shall be expended for the maintenance of such stations in any one of said Territories, except in the case of Alaska, where three thousand dollars additional may be used for the purchase and introduction of live stock for experimental purposes; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, and Porto Rico, and to apply the moneys received from the sale of such products to the maintenance of said stations, and this fund shall be available until used; in all, seven hundred and ninety-four thousand six hundred and sixty dollars: Provided, That five thousand dollars of this sum shall be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice.

Act March 3, 1905, c. 1405, 33 Stat. 881.

These are provisions accompanying appropriations under the head "Office of Experiment Stations," in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. Although most of them are in terms applicable only to the appropriations made for the year, they are repeated substantially in the similar acts from year to year; and some provisions, establishing funds to be available until used, are of a somewhat permanent nature.

Act July 2, 1862, c. 130, mentioned in these provisions, is set forth in Comp. St. 1901, pp. 3213, 3214, in the note to Act March 3, 1883, c. 102, except section 4 thereof, which is amended by said Act March 3, 1883, c. 102, to read as set forth therein.

Act March 2, 1887, c. 314, § 3, also mentioned in these provisions, is set forth in Comp. St. 1901, p. 3219.

Provisions similar to those of this paragraph were contained in previous agricultural appropriation acts, set forth or referred to in Comp. St. 1901, pp. 3222, 3223.

**Co-operation in nutrition investigations.**

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, including special investigations on the nutritive value and economy of the diet in public institutions; and the agricultural experiment stations are hereby authorized and directed to co-operate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in co-operation with the said Secretary of Agriculture or otherwise, twenty thousand dollars.

Act March 3, 1905, c. 1405, 33 Stat. 882.

These are further provisions accompanying appropriations under the head "Office of Experiment Stations," in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

Similar provisions were contained in preceding agricultural appropriation acts.

**Co-operation in irrigation and drainage investigations.**

Irrigation and drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators and of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, at home and abroad; with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon plans for the removal of seepage and surplus waters by drainage, and upon the use of different kinds of power; and appliances for irrigation, drainage, and other agricultural purposes and for the preparation, printing, and illustration of reports and bulletins on irrigation and drainage, including employment of labor in the city of Washington or elsewhere; and the agricultural experiment stations are hereby authorized and directed to co-operate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs and laws of the respective States and Territories as may be mutually agreed upon, and all necessary expenses, seventy-four thousand two hundred dollars.

Act March 3, 1905, c. 1405, 33 Stat. 882.

These are further provisions accompanying appropriations under the head "Office of Experiment Stations," in the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above.

Similar provisions were contained in preceding agricultural appropriation acts.



## TITLE LVII.

### PENSIONS.

#### Sec. 4693.

##### **Classes enumerated.**

Provisions for the restoration of pensions to widows of officers and enlisted men within the classes enumerated by paragraphs 1, 2, 3, of this section, set forth in Comp. St. 1901, p. 3229, on renewed widowhood, are contained in Rev. St. § 4708, as amended by Act Feb. 28, 1903, c. 858, § 1, set forth post, under Rev. St. § 4708.

**ACT JUNE 27, 1890, c. 634, § 2. [As amended 1900.]**

##### **Invalid pensions to disabled soldiers and sailors.**

The provisions of this section, set forth in Comp. St. 1901, p. 3230, granting pensions to soldiers and sailors who served 90 days or more in the War of the Rebellion, and who have been honorably discharged therefrom, are construed by Res. July 1, 1902, No. 42, set forth below.

##### **RES. JULY 1, 1902, No. 42.**

Joint Resolution Construing the Act Approved June Twenty-Seventh, Eighteen Hundred and Ninety, Entitled "An Act Granting Pensions to Soldiers and Sailors who are Incapacitated for the Performance of Manual Labor, and Providing for Pensions to Widows, Minor Children, and Dependent Parents, and for Other Purposes." (32 Stat. 750.)

##### **Invalid pensions to disabled soldiers and sailors and their widows and minor children; who may have pensions.**

Resolved, &c., That the Act Approved June twenty-seventh, eighteen hundred and ninety, entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons and the widows and minor children of all deceased persons, subject to the limitations of said Act, who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and section forty-seven hundred and sixteen, Revised Statutes United States, is amended accordingly: Provided, however, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy and who enlisted in said regiments while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the United States, nor to those who, having had such

prior service, enlisted in the military or naval service of the United States after the first day of January, eighteen hundred and sixty-five.

Res. July 1, 1902, No. 42, § 1, 32 Stat. 750.

Act June 27, 1890, c. 634, mentioned in this section and construed thereby, set forth in Comp. St. 1901, p. 3230, provides for pensions for soldiers and sailors of the War of the Rebellion who are incapacitated for the performance of manual labor, and to their widows and minor children.

Rev. St. § 4716, mentioned in this section and amended thereby, set forth in Comp. St. 1901, p. 3255, provides that no pension shall be paid to any person or to the widow or heirs of any person who in any manner voluntarily aided the late Rebellion.

**Honorable discharge from last contract of service during the War of the Rebellion; effect on right to pension.**

Sec. 2. That in the administration of the pension laws any enlisted man of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man of the Navy or Marine Corps, who was honorably discharged from the last contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all similar contracts of service previously entered into by him with the United States during said war: Provided, That such enlisted or appointed man served not less than six months under said last enlistment or appointment, that his entire service under said last enlistment or appointment was faithful, and that he did not receive by reason of said last enlistment or appointment any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

Res. July 1, 1902, No. 42, 32 Stat. 750.

See note to preceding section of this resolution.

**Sec. 4698.**

**ACT JUNE 17, 1878, c. 261, § 1.**

**Pensions for loss of both hands, or both feet, or both eyes.**

The rate of pension for the loss of both feet, as fixed by this act, set forth in Comp. St. 1901, p. 3237, is increased by Act March 2, 1903, c. 977, set forth below.

The rate of pension for those who have lost both eyes or have become totally blind, also fixed by this act, is increased by Act April 8, 1904, c. 945, set forth below.

**ACT MARCH 3, 1879, c. 200.**

**Pensions for loss of both eyes.**

The rate of pension for those who have become totally blind, included by this act, set forth in Comp. St. 1901, p. 3237, in the provisions of Act June 17, 1878, c. 261, Comp. St. 1901, p. 3237, is increased by Act April 8, 1904, c. 945, set forth below.

**ACT AUG. 4, 1886, c. 899.**

**Increase of pensions for loss of hand, foot, arm, or leg, etc.**

The rates of pension for loss of hand, foot, arm, or leg as fixed by

this act, set forth in Comp. St. 1901, p. 3239, are increased by Act March 2, 1903, c. 977, set forth below.

**ACT AUG. 27, 1888, c. 913.**

**Increase of pensions for deafness.**

The pension for deafness as fixed by this act, set forth in Comp. St. 1901, p. 3239, is increased by Act Jan. 15, 1903, c. 190, set forth below.

**ACT JULY 14, 1892, c. 169.**

**Pensions for disability requiring frequent and periodical attendance.**

Provisions for the increase of pensions for various disabilities are contained in Act Jan. 15, 1903, c. 190, and Act March 2, 1903, c. 977, set forth below.

**ACT JAN. 15, 1903, c. 190.**

An Act to Increase Pension for Total Deafness. (32 Stat. 773.)

**Additional increase of pensions for deafness.**

Be it enacted, &c., That from and after the passage of this Act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of forty dollars per month: Provided, That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law.

Act Jan. 15, 1903, c. 190, 32 Stat. 773.

This act supersedes the provisions granting a pension of \$30 a month for total deafness contained in Act Aug. 27, 1888, c. 913, Comp. St. 1901, p. 3239, which superseded the provisions granting a pension of \$13 a month for loss of hearing, contained in Rev. St. § 4698, Comp. St. 1901, p. 3235. Provisions authorizing the Secretary of the Interior to determine the amount to be paid in cases of partial deafness are contained in Act Aug. 27, 1888, c. 913, mentioned above.

**ACT MARCH 2, 1903, c. 977.**

An Act to Increase the Pensions of Those Who have Lost Limbs in the Military or Naval Service of the United States. (32 Stat. 944.)

**Additional increase of pensions for loss of hand, foot, arm, or leg, etc., or both feet.**

Be it enacted, &c., That from and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of forty dollars per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pen-

sion at the rate of forty-six dollars per month; that all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of fifty-five dollars per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of sixty dollars per month; and that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of one hundred dollars per month: Provided, however, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

Act March 2, 1903, c. 977, 32 Stat. 944.

This act increases the pensions for the loss of hand, foot, arm, or leg, fixed by Act Aug. 4, 1886, c. 899, Comp. St. 1901, p. 3239, which act increased the pensions for such disabilities fixed by Act March 3, 1883, c. 91, Comp. St. 1901, p. 3238, which act modified Rev. St. 4698, Comp. St. 1901, p. 3235, by increasing the pensions for the disabilities specified.

This act also increases the pensions for the loss of both feet fixed by Act June 17, 1878, c. 261, Comp. St. 1901, p. 3237, which modified the provisions fixing the pensions for the loss of both feet contained in Act June 18, 1874, c. 298, Comp. St. 1901, p. 3236.

#### **ACT APRIL 8, 1904, c. 945. [S. 671.]**

An Act to Increase the Pensions of Those Who Have Lost Both Eyes or Have Become Totally Blind from Causes Occurring in the Military or Naval Service of the United States. (33 Stat. 163.)

##### **Increase of pensions for loss of both eyes or total blindness.**

Be it enacted, &c., That from and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of one hundred dollars per month: Provided, however, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

Act April 8, 1904, c. 945, 33 Stat. 163.

This act increases the pensions for loss of both eyes, fixed by Act June 17, 1878, c. 261, Comp. St. 1901, p. 3237, construed so as to include total blindness from causes occurring in the service of the United States, by Act March 3, 1879, c. 200, Comp. St. 1901, p. 3237.

#### **Sec. 4703.**

##### **Increased pension to widows, etc.**

Provisions for the restoration of pensions to widows of officers and enlisted men within the classes enumerated in Rev. St. § 4693, paragraphs 1, 2, 3, Comp. St. 1901, p. 3229, on renewed widowhood, are contained in Act Feb. 28, 1903, c. 858, § 1, expressly amending Rev. St. § 4708, as amended by Act March 3, 1901, c. 865, § 1, Comp. St. 1901, p. 3247, and are set forth post, under Rev. St. § 4708.

**ACT JUNE 27, 1890, c. 634, § 3.****Pensions to dependent widows and minor children.**

The provisions of this section, set forth in Comp. St. 1901, p. 8244, granting pensions to widows and minor children of soldiers and sailors who served 90 days or more during the War of the Rebellion, and who were honorably discharged, are construed by Res. July 1, 1902, No. 42, set forth ante, under this Title.

**Sec. 4708. [As amended 1901.]**

[Amended. Act Feb. 28, 1903, c. 858.]

This section, as amended by Act March 3, 1901, c. 865, § 1, set forth in Comp. St. 1901, p. 3247, is further amended by Act Feb. 28, 1903, set forth below.

**ACT FEB. 28, 1903, c. 858.**

An Act to Amend an Act Entitled "An Act Amending Section Forty-Seven Hundred and Eight of the Revised Statutes of the United States, in Relation to Pensions to Remarried Widows," Approved March Third, Nineteen Hundred and One. (32 Stat. 920.)

**Amendment of Rev. St. § 4708.**

Be it enacted, etc., That section forty-seven hundred and eight of the laws of the United States governing the granting of army and navy pensions, be, and the same is, amended to read as follows:

**Remarriage [of widow, etc., entitled to pension; restoration of pension on renewed widowhood].**

"Sec. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: Provided, however, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs one, two, and three of section forty-six hundred and ninety-three of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen hun-

dred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: And provided further, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act: And provided further, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease."

Act Feb. 28, 1903, c. 858, § 1, 32 Stat. 920.

This section amends Rev. St. § 4708, as amended by Act March 3, 1901, c. 865, § 1, set forth in Comp. St. 1901, p. 3247, so as to read as set forth here.

Rev. St. § 4698, mentioned in this section, enumerates the classes of persons entitled to pensions, and is set forth in Comp. St. 1901, p. 3229.

Act June 27, 1890, c. 634, § 3, as amended by Act May 9, 1900, c. 885, also mentioned in this section, grants pensions to dependent widows and minor children of soldiers and sailors of the War of the Rebellion, and is set forth in Comp. St. 1901, p. 3244.

Act July 14, 1862, c. 166, 12 Stat. 568, also mentioned in this section, grants pensions to widows, and is superseded by Act March 3, 1873, c. 234, incorporated into Rev. St. §§ 4702, 4703, also mentioned in this section, and set forth in Comp. St. 1901, pp. 3241, 3242; and the pensions to widows are increased to \$12 a month by Act March 19, 1896, c. 22, § 1, also mentioned in this section, and set forth in Comp. St. 1901, p. 3243.

**Widows entitled to pensions who failed to draw pension by reason of their remarriage.**

Sec. 2. That the provisions of this Act shall be extended to those widows otherwise entitled whose husbands died of wounds, injuries, or disease contracted during the period of their military and naval service, but who were deprived of pension under the act of March third, eighteen hundred and sixty-five, because of their failure to draw any pension by reason of their remarriage.

Act Feb. 28, 1903, c. 858, § 2, 32 Stat. 921.

Act March 3, 1865, c. 84, 13 Stat. 499, mentioned in this section, provides that a widow's pension on her remarriage shall be paid the deceased soldier's children under 16 years of age. It is superseded by Act March 3, 1873, c. 234, incorporated into Rev. St. §§ 4702, 4703, set forth in Comp. St. 1901, pp. 3241, 3242.

**Claim agents not to receive compensation.**

Sec. 3. That no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

Act Feb. 28, 1903, c. 858, § 3, 32 Stat. 921.

A similar provision is contained in Act March 3, 1901, c. 865, § 2, set forth in Comp. St. 1901, p. 3248.

**Sec. 4716.****Loyalty.**

This section is amended so as to allow pensions under Act June 27, 1890, c. 634, set forth in Comp. St. 1901, p. 3230, to those who served for 90 days in the military or naval service of the United States during the War of the Rebellion, and who have been honorably discharged therefrom, and to their widows and minor children, by Rea. July 1, 1902, No. 42, set forth ante, under this Title.

**Sec. 4718.****ACT MARCH 2, 1895, c. 193.****Accrued pensions.**

Provisions prohibiting the use of accrued pensions to reimburse any state, county, or municipal corporation for expenses incurred for the last sickness or burial of a deceased pensioner are contained in Act June 28, 1902, c. 1301, set forth below.

**ACT JUNE 28, 1902, c. 1301.****Accrued pensions; reimbursement of expenses incurred by State, etc., for last sickness and burial of pensioner prohibited.**

\* \* That the investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be at the instance and under the direction of the Secretary of the Treasury, and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner.

Act June 28, 1902, c. 1301, 32 Stat. 449.

This is a provision following an appropriation for the suppression of crimes in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It limits the provisions authorizing the use of accrued pensions to reimburse the person paying the expenses of the last sickness and burial of a deceased pensioner contained in Act March 2, 1895, c. 193, Comp. St. 1901, p. 3257. The provision is repeated in the same language in the sundry civil appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1169.

**Sec. 4722.****ACT MARCH 3, 1891, c. 568.****Pensions to Powell's Battalion, Missouri Mounted Volunteers.**

Provisions increasing pensions to Mexican War survivors are contained in Act March 3, 1903, c. 1021, set forth post, under this Title.

**ACT FEB. 17, 1897, c. 248.****Pensions to Gray's Battalion, Arkansas Volunteers.**

Provisions increasing pensions to Mexican War survivors are contained in Act March 3, 1903, c. 1021, set forth post, under this Title.

[TITLE LVI D.]

[AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS.]

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[CHAPTER ONE.]

[Agricultural Colleges.]

**ACT AUG. 30, 1890, c. 841, § 1.**

**Increased annual appropriations for agricultural colleges.**

Moneys received from the sale and disposal of public lands in certain States and Territories are appropriated to a "reclamation fund," for the reclamation of arid and semi-arid lands, by Act June 17, 1902, c. 1903, § 1, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation," and, by a proviso annexed to that section, in case the receipts from the sale and disposal of other public lands are insufficient to meet the requirements for the support of agricultural colleges under this act, the sum necessary is to be provided from any moneys in the Treasury not otherwise appropriated.

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[CHAPTER TWO.]

[Agricultural Experiment Stations.]

**ACT MARCH 2, 1887, c. 314, §§ 1-4.**

**Experiment stations at state agricultural colleges.**

Besides the provisions establishing agricultural experiment stations, contained in Act March 2, 1887, c. 314, set forth in Comp. St. 1901, pp. 3218-3221, a portion of the Arlington estate in the State of Virginia is set apart for experimental agricultural purposes by Act April 18, 1900, c. 243, 31 Stat. 135, and provisions for establishing and maintaining a general experimental farm and agricultural station thereon are made by the subsequent agricultural appropriation acts. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1405, 33 Stat. 870.

**Scope of researches of stations.**

Besides the researches described in Act March 2, 1887, c. 314, § 2, set forth in Comp. St. 1901, p. 3218, the agricultural experiment stations are authorized and directed to co-operate with the Secretary of Agriculture in various investigations, etc., by provisions of the agri-



cultural appropriation acts for each fiscal year. Such provisions for the fiscal year ending June 30, 1906, contained in Act March 3, 1905, c. 1405, are set forth below.

**Supervision of stations by Secretary of Agriculture; reports; financial statements.**

Appropriations for carrying out the provisions of section 3 of Act March 2, 1887, c. 314, set forth in Comp. St. 1901, p. 3219, with further provisions that the Secretary of Agriculture shall prescribe the form of the annual financial statement required by said section, and shall ascertain whether the expenditures under such appropriations are in accordance with the provisions of said act, and make report thereon to Congress, are contained in the agricultural appropriation acts for each fiscal year. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

**Bulletins.**

Besides the bulletins and reports of the agricultural experiment stations mentioned in Act March 2, 1887, c. 314, § 4, set forth in Comp. St. 1901, p. 3219, the preparation and printing of an annual report of the Director of the Office of Experiment Stations are provided for by Res. April 27, 1904, No. 29, set forth ante, under Title XLV, "Public Printing, Advertisements, and Public Documents."

**ACT JULY 5, 1892, c. 147.**

**Sale of index of agricultural literature; disposition of proceeds.**

The provisions of this act, set forth in Comp. St. 1901, p. 3222, are repeated in substantially similar language in the agricultural appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

**ACT AUG. 8, 1894, c. 238.**

**Form of annual financial statement.**

The provision of this act, set forth in Comp. St. 1901, p. 3222, is repeated in the same language in the agricultural appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, is set forth below.

**ACT MARCH 2, 1901, c. 805.**

**Experimental grass stations.**

The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3223, for co-operation with the Secretary of Agriculture in establishing and maintaining experimental grass stations, are repeated in the same language in the agricultural appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

**Report of expenditures; employment of assistants, clerks, etc.; payment to States.**

The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3223, for carrying into effect the provisions of Act March 2, 1887, c. 314, and for ascertaining and reporting whether expenditures of appropriations made therefor are in accordance with the provisions of said act, are repeated in substantially similar language in the agricultural appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1906, by Act March 3, 1905, c. 1405, are set forth below.

eight, inclusive; the Texas and New Mexico Indian war of eighteen hundred and forty-nine to eighteen hundred and fifty-six; the California Indian disturbances of eighteen hundred and fifty-one and eighteen hundred and fifty-two; the Utah Indian disturbances of eighteen hundred and fifty to eighteen hundred and fifty-three, inclusive, and the Oregon and Washington Territory Indian wars from eighteen hundred and fifty-one to eighteen hundred and fifty-six, inclusive; and also to include the surviving widows of such officers and enlisted men: Provided, That such widows have not remarried: And provided further, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: And provided further, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

Act June 27, 1902, c. 1156, 32 Stat. 399.

Act July 27, 1892, c. 277, mentioned in this act, grants pensions to the officers and men of the Indian wars from 1832 to 1842, and to their widows, and is set forth in Comp. St. 1901, p. 3273.

## **Sec. 4744.** [*As amended 1882.*]

### **Special service in investigating suspected attempts at fraud.**

A provision similar to Rev. St. § 4744, as originally enacted, contained in Rev. St. § 474, Comp. St. 1901, p. 269, is not referred to in Act July 25, 1882, c. 349, which amends Rev. St. § 4744, to read as set forth in Comp. St. 1901, p. 3276.

Provisions for per diem allowance to special examiners detailed for the purpose of making investigations of matters pertaining to the Pension Bureau, such as are authorized by Rev. St. § 4744, Comp. St. 1901, p. 3276, are contained in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1886, Act March 3, 1885, c. 343, § 1, 23 Stat. 418; and the subsequent similar appropriation acts contain provisions for per diem of such examiners. The legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 672, makes appropriations for per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners, or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding \$3 per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams, and provides for an allowance to two special examiners or clerks detailed and acting as chief and assistant chief of the division of special examiners, in addition to their salaries and in lieu of per diem and all expenses for subsistence, of a sum sufficient to make their annual compensation \$2,000 and \$1,800 respectively, with the same allowance in lieu of transportation and for subsistence, whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, as is provided for special examiners and detailed clerks engaged in field service; and it also makes an appropriation for an additional force of 125 special examiners for one year, at a salary of \$1,300 each.

The reports of the special examiners of the Bureau of Pensions are open to inspection and copy by the applicant or his attorney, by a provision of Act April 4, 1900, c. 158, set forth below.

**ACT APRIL 4, 1900, c. 158.****Special examiners' reports; inspection by applicant or his attorney.**

\* \* The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.

Act April 4, 1900, c. 158, 31 Stat. 80.

This is a provision following an appropriation for fees and expenses of examining surgeons and provisos thereto annexed relating to fees and reports of such examining surgeons, in the pensions appropriation act for the fiscal year ending June 30, 1901, cited above. It is repeated in the same language in the pension appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1403, 33 Stat. 849.

A similar provision relating to reports of examining surgeons, contained in Act July 18, 1894, c. 141, is set forth in Comp. St. 1901, p. 3291.

**Sec. 4751.****Penalties, how to be sued for, etc.**

The provisions of Rev. St. § 4751, set forth in Comp. St. 1901, p. 3281, relating to the recovery, disposition, etc., of penalties and forfeitures incurred under Rev. St. §§ 2461, 2462, and 2463, may be regarded as superseded by the provision of Act April 30, 1878, c. 76, § 2, set forth in Comp. St. 1901, p. 1528, that all moneys collected for depredations upon the public lands shall be covered into the Treasury as other moneys received from the sale of public lands. And Rev. St. § 4751, was expressly repealed, so far as it relates to the States of California, Oregon, Nevada, and Washington Territory, by Act June 3, 1878, c. 151, § 5, set forth in Comp. St. 1901, p. 1530; and the act last mentioned is amended, so as to be applicable to all the public land states, by Act Aug. 4, 1892, c. 375, § 2, set forth in Comp. St. 1901, p. 1547.

**Sec. 4766. [As amended 1882, 1899.]****Pensions to be paid only to persons entitled, etc.**

Pensioners admitted to the Soldiers' Home, who have not contributed to its funds, are required to surrender their pensions to the Home during the time they remain therein and voluntarily receive its benefits, by Rev. St. § 4820, set forth in Comp. St. p. 3332.

Provisions for payment of pensions of inmates of the National Home for Disabled Volunteer Soldiers, contained in Act Feb. 26, 1881, c. 80, § 2, and Act Aug. 7, 1882, c. 433, are set forth in Comp. St. 1901, p. 3345; of pensions of such inmates who become insane and are admitted to the Government Hospital for the Insane, contained in Act Aug. 7, 1882, c. 433, as amended by Act Feb. 20, 1905, c. 593, are set forth post, under Title LIX, "Hospitals, Asylums, and Cemeteries," c. 4; and of the balance of pension money due any deceased inmate of such National Home, contained in Act July 1, 1902, c. 1351, are also set forth post, under said Title LIX, c. 3.

**Sec. 4774.****ACT JULY 25, 1882, c. 349, § 4.****Boards of examining surgeons; reviewing boards; examinations; fees; expert surgeons; fees for examination of non-resident claimants.**

Provisions for the appointment of three members of a board of pension

appeals by the Secretary of the Interior at a compensation of \$2,000 each are contained in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1885, Act July 7, 1884, c. 331, 23 Stat. 185. Subsequent similar appropriation acts from time to time increased the membership of the board and provided for their compensation. The appropriation for the fiscal year ending June 30, 1906, by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 668, is the same as for several preceding years, and provides for additional compensation of \$500 to one member of the Board of Pension Appeals, acting as chief of the board; nine members of the board, to be appointed by the Secretary of the Interior, at \$2,000 each; twenty additional members, to be appointed by the Secretary from persons not employed in the Pension Office and without compliance with the civil service act, Act Jan. 16, 1883, c. 27, Comp. St. 1901, p. 1217, at \$2,000 each; three additional members, to be appointed by the Secretary and to be selected from the force of the Pension Office, at \$2,000 each.

**ACT FEB. 12, 1901, c. 363.**

**Examining surgeons; fees; reports.**

The provisions of this act set forth in Comp. St. 1901, p. 3291, are repeated in the same language in the pensions appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1906, are contained in Act March 3, 1905, c. 1403, 33 Stat. 848.

**Sec. 4775.**

**ACT FEB. 12, 1901, c. 363.**

**Report of special examiners; inspection by claimant or attorney.**

The provision of this act set forth in Comp. St. 1901, p. 3292, for inspection of reports of special examiners by applicants or attorneys, which was originally enacted by Act April 4, 1900, c. 158, set forth above, under Rev. St. § 4744, is repeated in the same language in the pension appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1403, 33 Stat. 849.

A similar provision relating to reports of examining surgeons, contained in Act July 18, 1894, c. 141, is set forth in Comp. St. 1901, p. 3291.

**Sec. 4785.**

**ACT JAN. 25, 1879, c. 23, § 4.**

**Compensation for prosecuting claims for arrears of pensions prohibited.**

Provisions declaring void contracts made for prosecuting claims under Act June 27, 1902, c. 1156, set forth ante, under this Title, extending the provisions granting pensions to survivors of Indian wars contained in Act July 27, 1892, c. 277, Comp. St. 1901, p. 3273, to other Indian wars, are contained in said first mentioned act.

Attorneys prosecuting claims under Act Feb. 28, 1903, c. 858, § 1, amending Rev. St. § 4708, as amended by Act March 3, 1901, c. 865, § 1, Comp. St. 1901, p. 3247, authorizing the restoration of pensions to widows on renewed widowhood, are prohibited from receiving any fees by section 3 of said act, set forth ante, under this Title.

Attorneys rendering services in securing pension legislation are prohibited from receiving fees by a provision of Act March 10, 1902, c. 147, set forth below.

**ACT MARCH 10, 1902, c. 147.****Compensation for procuring pension legislation prohibited; penalty.**

\* \* That hereafter no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension; and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars, or imprisoned not exceeding two years, or both, in the discretion of the court.

Act March 10, 1902, c. 147, 32 Stat. 62.

This is a provision following an appropriation for the fees and expenses of examining surgeons in the pensions appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated in the same language in the pensions appropriation act for the fiscal year ending June 30, 1904, Act Dec. 23, 1902, c. 13, 33 Stat. 761, and also, without the word "hereafter," in the similar appropriation acts for the fiscal years ending June 30, 1905, and June 30, 1906, Act April 27, 1904, c. 1617, 33 Stat. 816, and Act March 8, 1905, c. 1403, 33 Stat. 849.

SUPP. '05—41

# TITLE LVIII.

## THE PUBLIC HEALTH.

### Sec. 4796.

**ACT APRIL 29, 1878, c. 66, §§ 2, 3.**

**Reports of vessels leaving infected ports; health reports; duties of Surgeon-General of Marine Hospital Service.**

The Marine Hospital Service is designated the Public Health and Marine Hospital Service of the United States, and the Supervising Surgeon-General is to be known as the Surgeon General of the Public Health and Marine Hospital Service of the United States, and the duties of said Surgeon General and other officers of the service are prescribed by Act July 1, 1902, c. 1370, set forth below.

**Duties of Marine Hospital and customs officers, etc.; compensation.**

See note under preceding section of this act, and also provisions of Act July 1, 1902, c. 1370, set forth below.

**ACT FEB. 15, 1893, c. 114, § 4.**

**Duties of Marine Hospital Service; sanitary reports by consuls; domestic sanitary reports.**

The Marine Hospital Service is designated the Public Health and Marine Hospital Service of the United States, and the Supervising Surgeon-General is to be known as the Surgeon-General of the Public Health and Marine Service of the United States, and his duties are prescribed, by Act July 1, 1902, c. 1370, set forth below.

**ACT JULY 1, 1902, c. 1370.**

An Act to Increase the Efficiency and Change the Name of the United States Marine-Hospital Service. (32 Stat. 712.)

**Public Health and Marine-Hospital Service; titles of officers; transfer of duties.**

Be it enacted, &c., That the United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon-General and the officers now or hereafter commissioned under the Act of January fourth, eighteen hundred and eighty-nine, entitled "An Act to regulate appointments in the Marine-Hospital Service of the United States," and Acts amendatory thereof, shall hereafter be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this Act contained shall be held or construed to discharge any of the officers above named, or any of the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive

any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

Act July 1, 1902, c. 1370, § 1, 32 Stat. 712.

The provisions of law relating to the Marine Hospital Service prior to this act are contained in Rev. St. §§ 4801-4813, and acts supplementary to and amendatory thereof, set forth in Comp. St. 1901, pp. 3320-3328.

Act Jan. 4, 1889, c. 19, mentioned in this section, provides for the appointment and promotion of medical officers of the service, and is set forth in Comp. St. 1901, p. 3325.

The appointment of a Supervising Surgeon-General of the Service was authorized by Act March 3, 1875, c. 130, § 1, set forth in Comp. St. 1901, p. 3321.

Provisions for physical and mental examination of all alien passengers arriving by medical officers of the Marine-Hospital Service are contained in Act March 3, 1903, c. 1012, § 17, ante, under Title XXIX, "Immigration," subchapter "Regulation and Restriction of Immigration in General."

The funds and appropriations provided by law for use by the Marine-Hospital Service, mentioned in this section, included the receipts for tonnage duties provided for by Act June 26, 1884, c. 121, of which so much as necessary was appropriated, by section 15 of that act, set forth in Comp. St. 1901, p. 2851, for the expense of maintaining the Marine-Hospital Service; and the appropriations for the purpose, subsequent to this act, were directed to be paid from the permanent appropriations for the service, the provision for the fiscal year ending June 30, 1906, being by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 650. But subsequent to the act last mentioned, and in connection with deficiency appropriations for maintenance and expenses of the service for the fiscal years 1905 and 1906, additional to the tonnage tax so appropriated, which were stated to be made necessary by decrease in the tonnage tax, and added expense in the maintenance of the service, and additional expenditures entailed under this act, so much of said Act June 26, 1884, c. 121, § 15, as made such permanent appropriation of the receipts for duties on tonnage was repealed, and the Secretary of the Treasury was required to submit to Congress, in the Book of Estimates, detailed estimates of the expenses of maintaining the service, by provisions of Act March 3, 1905, c. 1484, § 1, set forth ante, under Title XLVIII, "Regulation of Commerce and Navigation," c. 3, and Title XLI, "Appropriations."

The service is to remain under the jurisdiction of the Treasury Department until otherwise specifically provided, by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

#### **Salaries and allowances.**

Sec. 2. That the salary of the Surgeon-General of the Public Health and Marine-Hospital Service shall be five thousand dollars per annum, and the salaries and allowances of the commissioned medical officers of said service shall be the same as now provided by regulations of the Marine-Hospital Service.

Act July 1, 1902, c. 1370, § 2, 32 Stat. 712.

The salary of the Supervising Surgeon-General of the Service was fixed at \$4,000 per annum, by Act March 3, 1875, c. 130, § 1, set forth in Comp. St. 1901, p. 3321.

See notes under preceding section of this act.

**Assistant Surgeons-General; assistants; pay and allowances; rank.**

Sec. 3. That commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine-Hospital Bureau at Washington, District of Columbia, in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, shall, while thus serving, be assistant surgeons-general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions; and the senior officer thus serving shall be the assistant within the meaning of section one hundred and seventy-eight, Revised Statutes of the United States: Provided, however, That no such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

Act July 1, 1902, c. 1370, § 3, 32 Stat. 712.

Provisions for the detail of officers from the Service for duty in the Bureau are contained in Act March 3, 1891, c. 541, Act July 31, 1894, c. 174, § 1, and Act March 2, 1895, c. 177, § 1, set forth in Comp. St. 1901, pp. 3325, 3326.

Rev. St. § 178, mentioned in this section, is set forth in Comp. St. 1901, p. 90. It provides that in case of the death, resignation, absence, or sickness of the chief of any bureau, etc., the "assistant" or deputy, etc., shall perform the duties of such chief, etc., until a successor is appointed, etc.

See notes under section 1 of this act.

**Use of Service in time of war.**

Sec. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

Act July 1, 1902, c. 1370, § 4, 32 Stat. 713.

See notes under section 1 of this act.

**Hygienic laboratory; advisory board; members; compensation and expenses; vacancies.**

Sec. 5. That there shall be an advisory board for the hygienic laboratory provided by the Act of Congress approved March third, nineteen hundred and one, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not



in the regular employment of the Government. The said five members shall each receive compensation of ten dollars per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

Act July 1, 1902, c. 1370, § 5, 32 Stat. 713.

The act authorizing the hygienic laboratory is Act March 3, 1901, c. 853, § 1, 31 Stat. 1137.

Provisions for printing the bulletins of the hygienic laboratory and of the yellow fever institute of the Public Health and Marine-Hospital Service are contained in Res. Feb. 24, 1905, No. 21, § 1, set forth ante, under Title XLV, "Public Printing, Advertisements, and Public Documents."

See notes under section 1 of this act.

**Chiefs of divisions of hygienic laboratory; pay; director of laboratory.**

Sec. 6. That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: Provided, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

Act July 1, 1902, c. 1370, § 6, 32 Stat. 713.

See notes under sections 1 and 5 of this act.

**Conferences with State and Territorial boards of health.**

Sec. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference:

Provided, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: And provided further, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

Act July 1, 1902, c. 1370, § 7, 32 Stat. 713.

See notes under section 1 of this act.

**Uniform registration of mortality, morbidity, and vital statistics; collection, compilation, and publication.**

Sec. 8. That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference required by section seven to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

Act July 1, 1902, c. 1370, § 8, 32 Stat. 714.

See notes under section 1 of this act.

The collection of vital statistics annually by the Census Office is provided for by Act March 6, 1902, c. 139, § 8, set forth ante, under Title XXXI, "The Census." And State authorities are requested to cooperate with the Census Office in securing a uniform system of registration of births and deaths, etc., by Res. Feb. 11, 1903, No. 7, also set forth ante, under Title XXXI, "The Census."

**Regulations by President; report of Surgeon-General.**

Sec. 9. That the President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Act July 1, 1902, c. 1370, § 9, 32 Stat. 714.

The President is authorized, in case of threatened or actual epidemic of certain diseases specified, to use appropriations made for the purpose in preventing and suppressing the spread thereof, by provisions of Act March 3, 1905, c. 1483, § 1, set forth below.

Provisions for printing the annual report of the Surgeon-General are contained in Res. Feb. 24, 1905, No. 21, § 2, set forth ante, under Title XLV, "Public Printing, Advertisements, and Public Documents."

See notes under section 1 of this act.

**ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]**

**Service to remain under jurisdiction of Treasury Department.**

Office of Surgeon-General of Public Health and Marine-Hospital

Service: \* \* and said Service shall remain under the jurisdiction of the Treasury Department until otherwise hereafter specifically provided by law.

Act March 18, 1904, c. 716, § 1, 33 Stat. 104. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 650.

This is a provision, following appropriations for the Surgeon-General and clerks and employes in his office, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, repeated in the similar appropriation act for the fiscal year ending June 30, 1906, cited above.

**ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]**

**Use of appropriations for prevention or suppression of spread of epidemics.**

Prevention of epidemics: The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation Act approved April twenty-eighth, nineteen hundred and four, and one hundred thousand dollars in addition thereto, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, including pay and allowances of all officers and employees of the Public Health and Marine-Hospital Service assigned to duty in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force, the same to be immediately available.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1170.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

Provisions similar, to a greater or less extent, were contained in the sundry civil appropriation acts for previous fiscal years, each reappropriating the unexpended balance of the sums appropriated and reappropriated by the act for the preceding year.

# TITLE LIX.

## HOSPITALS, ASYLUMS, AND CEMETERIES.

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### CHAPTER ONE.

#### Hospital Relief for Seamen.

##### Sec. 4802.

###### **Supervising Surgeon of Marine-Hospital Service.**

The United States Marine Hospital Service is to be designated as the Public Health and Marine Hospital Service of the United States, and the Supervising Surgeon-General is to be known as the Surgeon-General of the Public Health and Marine Hospital Service of the United States, by Act July 1, 1902, c. 1370, § 1, set forth ante, under Title LVIII, "The Public Health."

##### **ACT MARCH 3, 1875, c. 130, § 1.**

###### **Supervising Surgeon-General of Marine Hospital Service; salary; appointment.**

See note under Rev. St. § 4802, above.

The salary of the Surgeon-General of the service is fixed at \$5,000 per annum, by Act July 1, 1902, c. 1370, § 2, ante, under Title LVIII, "The Public Health."

##### Sec. 4806.

##### **ACT JAN. 4, 1889, c. 19.**

###### **Medical officers of Marine Hospital Service; appointment after examination.**

The United States Marine Hospital Service is to be designated as the Public Health and Marine Hospital Service of the United States, and the officers of said service are to be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine Hospital Service of the United States, by Act July 1, 1902, c. 1370, § 1, ante, under Title LVIII, "The Public Health."

##### **ACT MARCH 3, 1891, c. 541.**

###### **Details from Marine-Hospital Service.**

The commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine Hospital Bureau at Washington, in charge of the administrative divisions thereof, are, while thus serving, assistant surgeons general of the Public Health and Marine Hospital Service, their pay and allowance to be the same as already provided by the regulations of the service for officers in charge of said

divisions, and the senior officer thus serving is an "assistant," within the meaning of Rev. St. § 178, by Act July 1, 1902, c. 1370, § 1, ante, under Title LVIII, "The Public Health."

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## CHAPTER TWO.

### The Soldiers' Home.

#### Sec. 4824.

**ACT MARCH 3, 1883, c. 130, § 10.**

**Board of commissioners.**

Duties prescribed by statute for the Commanding General of the Army as a member of the Board of Commissioners of the Soldiers' Home are to be performed by the Chief of Staff or other officer designated by the President, by a provision of Act Feb. 14, 1903, c. 553, § 4, set forth ante, under Title XIV, "The Army," c. 1.

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## CHAPTER THREE.

### The National Home for Disabled Volunteer Soldiers.

#### Sec. 4826.

**Election of citizen managers.**

The appointment of certain designated persons as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers is made by Res. March 29, 1902, No. 13, 32 Stat. 738.

#### Sec. 4829. [*As amended 1892, 1897.*]

**Officers of the National Home.**

The officers of the National Home for Disabled Volunteers and officers under the Board of Managers are required to be appointed, so far as practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the Home, by Act June 28, 1902, c. 1301, § 1, set forth below.

**ACT JUNE 28, 1902, c. 1301, § 1.**

**Officers of National Home and officers under Board of Managers; qualifications.**

Hereafter the officers of the National Home for Disabled Volunteer Soldiers, and officers under the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the Home, and they may be appointed, removed, and transferred, from time to time, as the interests of the institution may require, by the Board of Managers.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 472.

This is a provision of the sundry civil appropriation act for the fiscal

year ending June 30, 1903, cited above. Rev. St. § 4829, Comp. St. 1901, p. 3339, enumerates the officers of the Home, and provides that they shall be appointed from honorably discharged soldiers.

## Sec. 4830.

### **Sites for homes may be purchased, and buildings erected.**

Appropriations for buildings, etc., at branches of the Home, are available immediately, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

Appropriations for repairs for any of the branches are not to be used for the construction of any new building, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

### **ACT MARCH 3, 1903, c. 1007, § 1.**

#### **Appropriations for buildings, etc., of Branch Homes to be immediately available.**

Appropriations herein, or that may hereafter be made, for construction of buildings and appurtenances at any of the Branches of the National Home for Disabled Volunteer Soldiers, shall be available immediately after the approval of the Act containing the same.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1137.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

Such appropriations continue available until expended, by a provision of Act June 6, 1900, c. 785, § 1, set forth in Comp. St. 1901, p. 3342.

### **ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]**

#### **Appropriations for repairs of Branch Homes not to be used for construction of new building.**

\* \* That no part of the appropriations for repairs for any of the Branch Homes shall be used for the construction of any new building; \* \*

Act April 28, 1904, c. 1762, § 1, 33 Stat. 503.

This is a proviso annexed to an appropriation for repairs at one of the branches, in the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

## Sec. 4832.

### **ACT AUG. 7, 1882, c. 433.**

#### **Payment of pensions of inmates of National Home.**

Any balance of pension money due a member of the National Home at the time of his death is to be paid to his widow, minor children, or dependent mother or father, and should no widow, etc., be found within one year from the time of the death of the pensioner, such balance is to be paid into the post fund of the branch where the pensioner was an inmate, to be used for the common benefit of the members of the Home, subject to reclamation by the widow, etc., by Act July 1, 1902, c. 1351, set forth below.

Provisions relating to the disposition of pensions of inmates of the National Home who become insane and are admitted to the Government Hospital for the Insane, are contained in further provisions of Act Aug. 7, 1882, c. 433, as amended by Act Feb. 20, 1905, c. 593, set forth post, under chapter 4 of this Title.

**ACT JULY 1, 1902, c. 1351.**

**Payment of balance of pension due deceased inmate of National Home to widow, etc., or into post fund of Home.**

Hereafter any balance of pension money due a member of the National Home for Disabled Volunteer Soldiers at the time of his death shall be paid to his widow, minor children or dependent mother or father in the order named, and should no widow, minor child, or dependent parent be discovered within one year from the time of the death of the pensioner, said balance shall be paid to the post fund of the Branch of said National Home of which the pensioner was a member at the time of his death, to be used for the common benefit of the members of the Home under the direction of the Board of Managers, subject to future reclamation by the relatives hereinbefore designated, upon application filed with the Board of Managers within five years after the pensioner's death.

Act July 1, 1902, c. 1351, 32 Stat. 564.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, and prior years, cited above.

**Sec. 4834.**

**Duties of board of managers.**

Provisions for printing, for the use of the National Homes, 500 copies, in addition to the usual number, of the annual report of the Board of Managers, required by Rev. St. § 4834, Comp. St. 1901, p. 3347, are contained in Res. March 31, 1904, No. 15, set forth ante, under Title XLV, "Public Printing, Advertisements, and Documents."

**Sec. 4837.**

**ACT AUG. 27, 1888, c. 914, § 1.**

**Aid to State Homes; regulations by managers of National Home; inspection.**

The sundry civil appropriation acts and various deficiency appropriation acts for several years preceding the fiscal year 1905 make appropriations for continuing aid to State or Territory Homes, in conformity with Act Aug. 27, 1888, c. 914, § 1, set forth in Comp. St. 1901, p. 3352, with a proviso annexed to each appropriation that one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid so provided for. To the similar appropriation in the sundry civil appropriation acts for the fiscal years 1905 and 1906, two provisos are annexed, as follows: "Provided, That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section four of an Act approved March third, eighteen hundred and eighty-three, entitled 'An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes; but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: And provided further, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold."

Act April 28, 1904, c. 1762, § 1, 33 Stat. 504. Act March 3, 1905, c. 1483, § 1, 33 Stat. 1204.

## CHAPTER FOUR.

**The Government Hospital for the Insane.****Sec. 4843.** [*As amended 1900.*]**Admission of insane persons of the Army, Navy, Marine Corps, etc.**

Provisions subsequent to Rev. St. § 4843, Comp. St. 1901, p. 3356, prescribing what persons may be admitted to the hospital, are contained in Act June 16, 1880, c. 235, set forth below, and in other statutes referred to under that act.

**ACT JUNE 16, 1880, c. 235.****Admissions limited.**

Current expenses, Government Hospital for the Insane. \* \* That hereafter the admissions to the hospital shall be limited to such persons as are entitled to treatment therein under the provisions of title fifty-nine, chapter four, of the Revised Statutes of the United States, and under the act approved March third, eighteen hundred and seventy-five, chapter one hundred and fifty-six, second session, Forty-third Congress.

Act June 16, 1880, c. 235, 21 Stat. 275.

This is a proviso annexed to an appropriation for expenses of the hospital in the sundry civil appropriation act for the fiscal year ending June 30, 1881, cited above.

Rev. St. Title 59, c. 4, mentioned in this provision, including sections 4838-4858 of the Revised Statutes, is set forth in Comp. St. 1901, pp. 3354-3363.

Act March 3, 1875, c. 156, § 5, also mentioned in this provision, providing for admission to the hospital of insane patients of the Marine-Hospital Service, afterwards designated the Public Health and Marine-Hospital Service, is set forth in Comp. St. 1901, p. 3324.

Subsequent provisions for the admission to the hospital of insane inmates of the Soldiers' Home are contained in Act July 7, 1884, c. 332, set forth ante, under chapter 2 of this Title; and of insane inmates of the National Home for Disabled Volunteer Soldiers, in Act Aug. 7, 1882, c. 433, § 1, amended by Act Feb. 20, 1905, c. 593, set forth at the end of this chapter.

**Sec. 4844.****Admission of the indigent insane of the District of Columbia.**

Proceedings for the admission to the hospital of the indigent insane resident in the District of Columbia, mentioned in Rev. St. § 4844, set forth in Comp. St. 1901, p. 3357, were prescribed by sections of the Revised Statutes following said section 4844. These provisions were superseded by those of Act Jan. 31, 1899, c. 78, set forth in Comp. St. 1901, pp. 3359, 3360, which changed the proceedings for admission to the hospital, but they became operative again by the repeal of said Act Jan. 31, 1899, c. 78, §§ 1-6, 8, by a provision of Act March 3, 1903, c. 1006, § 1, set forth below. But all previous provisions relating to such proceedings may be regarded as superseded by Act Feb. 23, 1905, c. 738, § 1, also set forth below.

Provisions for the apprehension and detention of insane persons in the District of Columbia, and for their temporary commitment to the Gov-



ernment Hospital for the Insane, are contained in Act April 27, 1904, c. 1618, set forth below.

Provisions relating to payment of the expenses of indigent persons admitted to the hospital from the District of Columbia are contained in a paragraph of Act July 31, 1878, c. 246, set forth below, and other acts referred to under that paragraph.

## **Secs. 4845-4848.**

[Superseded. Act Feb. 23, 1905, c. 738, § 1.]

These sections of the Revised Statutes prescribed the proceedings for the admission to the hospital of indigent insane persons residing in the District of Columbia, as authorized by Rev. St. § 4844, Comp. St. 1901, p. 3357. They were superseded by Act Jan. 31, 1899, c. 78, Comp. St. 1901, pp. 3359, 3360, which changed the proceedings for admission of such persons, but they became operative again on the repeal of said Act Jan. 31, 1899, c. 78, §§ 1-6, 8, by a provision of Act March 3, 1903, c. 1006, § 1, set forth below. They are again superseded by provisions that such proceedings shall be according to the provisions of the Code for the District of Columbia relating to lunacy proceedings, contained in Act Feb. 23, 1905, c. 738, § 1, also set forth below.

## **Sec. 4849.**

### **Admission of insane persons having property.**

Provisions subsequent to those of Rev. St. § 4849, set forth in Comp. St. 1901, p. 3358, relating to insane persons in the hospital who have property, for the appointment of a committee or trustee of the person and estate of a person adjudged of unsound mind having property, and for the reimbursement of the District of Columbia for costs and expenses incurred, are contained in Act Feb. 23, 1905, c. 738, § 1, set forth below.

## **Sec. 4850.**

### **Admission of nonresidents of District.**

Subsequent provisions that indigent insane persons not residing in the District of Columbia, admitted to the hospital as provided by Rev. St. § 4850, set forth in Comp. St. 1901, p. 3358, may be returned to their places of residence or to their friends, contained in Act Jan. 31, 1899, c. 78, § 7, and not repealed by the provision of Act March 3, c. 1006, § 1, set forth below, which repealed the other sections of that act, are set forth below.

## **ACT JAN. 31, 1899, c. 78.**

**Secs. 1-6.** [Repealed. Act March 3, 1903, c. 1006, § 1.]

Sections 1-6 and 8 of Act Jan. 31, 1899, c. 78, set forth in Comp. St. 1901, pp. 3359, 3360, prescribing the proceedings for the admission of insane persons to the hospital, being the whole of said act except section 7 thereof, are repealed by a provision of Act March 3, 1903, c. 1006, § 1, set forth below. And by a provision of said act last mentioned, preceding said repealing clause, thereafter proceedings by the Commissioners of the District of Columbia to commit indigent insane persons, and insane persons having violent or dangerous tendencies, to the hospital, were to be taken in the equity court of the District, and to be in conformity with the law in force in the District on Jan. 30, 1899. But this provision is superseded by Act Feb. 23, 1905, c. 738, § 1, set forth below.

**Return of indigent non-resident insane persons to places of residence or to friends.**

Sec. 7. That it shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of residence or to their friends all indigent insane persons not residing in the District at the time they became insane who are now detained in the Government Hospital for the Insane, or who shall be committed to the said hospital to be temporarily cared for, as provided in section forty-eight hundred and fifty of the Revised Statutes of the United States, and all necessary expenses incurred by the Commissioners in ascertaining the locality where such persons or their friends belong and in returning them to such locality shall be defrayed by the District of Columbia.

Act Jan. 31, 1899, c. 78, § 7, 30 Stat. 811.

This section is not repealed by Act March 3, 1903, c. 1006, § 1, set forth below.

Rev. St. § 4850, mentioned in this section, providing for admission to the hospital of non-residents with a view to their return to their friends or to their places of residence, is set forth in Comp. St. 1901, p. 3358.

**Sec. 8. [Repealed. Act March 3, 1903, c. 1006.]**

This section, repealing provisions inconsistent with the act, is itself repealed, with sections 1-6, by the provision of Act March 3, 1903, c. 1006, § 1, set forth below.

**ACT MARCH 3, 1903, c. 1006, § 1.**

**Repeal of Act Jan. 31, 1899, c. 78, §§ 1-6, 8; proceedings for admission of insane persons.**

That sections one, two, three, four, five, six, and eight of the Act of Congress approved January thirty-first, eighteen hundred and ninety-nine, entitled "An Act to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," and all other Acts or parts of Acts inconsistent herewith, be, and the same are hereby, repealed.

Act March 3, 1903, c. 1006, § 1, 32 Stat. 1043.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, cited above.

Act Jan. 31, 1899, c. 78, §§ 1-6, 8, repealed by this provision, are set forth in Comp. St. 1901, pp. 3359, 3360.

In connection with such repeal, another paragraph of the same act, immediately preceding the paragraph set forth here, provided that thereafter proceedings by the Commissioners of the District of Columbia to commit indigent insane persons, and insane persons having violent or dangerous tendencies, to the hospital, should be taken in the equity court of the District, and should be in conformity with the law in force in the District on Jan. 30, 1899. But this is superseded by Act Feb. 23, 1905, c. 738, set forth below.

Provisions for the apprehension and detention of insane persons in the District of Columbia, and for their temporary commitment to the Government Hospital for the Insane, are contained in Act April 27, 1904, c. 1618, set forth below.

**ACT APRIL 27, 1904, c. 1618. [H. R. 8692.]**

**An Act to Authorize the Apprehension and Detention of Insane Persons in the District of Columbia, and Providing for Their**

Temporary Commitment in the Government Hospital for the Insane, and for Other Purposes. (33 Stat. 316.)

**Apprehension and detention of insane persons found on any street or other public highway or in any public building or other public place in District of Columbia.**

Be it enacted, &c., That any member of the Metropolitan police of the District of Columbia or any other officer in said District authorized to make arrests is hereby authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable: Provided, however, That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.

Act April 27, 1904, c. 1618, § 1, 33 Stat. 316.

**Apprehension and detention of insane persons found elsewhere in District of Columbia than in places mentioned in section 1.**

Sec. 2. That the major and superintendent of said Metropolitan police is hereby authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person of homicidal or otherwise dangerous tendencies found elsewhere in the District of Columbia than in the places mentioned in section one hereof whenever two or more responsible residents of the District of Columbia shall make and file affidavits with said major and superintendent of the Metropolitan police setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable, and that such person is a fit subject for treatment on account of his or her mental condition: Provided, however, That before the major and superintendent of the said Metropolitan police shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents or in case of arrest as provided in section one, he shall, in addition thereto, require the certificate of at least two physicians who shall certify that they

have examined the person alleged to be insane or of unsound mind, and that such person should not be allowed to remain at liberty and go unrestrained, and that such person is a fit subject for treatment on account of his or her mental condition.

Act April 27, 1904, c. 1618, § 2, 33 Stat. 317.

**Temporary detention of alleged insane persons in Government Hospital for Insane.**

Sec. 3. That the Commissioners of the District of Columbia are hereby authorized to place in the Government Hospital for the Insane in said District, and the superintendent of said hospital is hereby authorized to receive, upon the written request of the said Commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies, residents of or found within the said District, so apprehended and detained as provided in sections one and two of this Act, pending the formal commitment of such persons to said hospital as provided by law, or their transportation to their homes when their places of residence are ascertained by the proper officials charged by law with that duty.

Act April 27, 1904, c. 1618, § 3, 33 Stat. 317.

**Temporary commitment of persons apprehended as insane to other hospital, or detention in police station, etc.; discharge of person certified to be not insane.**

Sec. 4. That the Commissioners of the District of Columbia may authorize the temporary commitment of any of the above-mentioned insane persons or persons of unsound mind so apprehended and detained as provided in sections one and two of this Act (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons pending the temporary commitment or the formal commitment of such persons, as provided by law, to the Government Hospital for the Insane or to any other hospital or insane asylum; or any such alleged insane person or person of unsound mind apprehended under sections one and two of this Act may be detained in any police station or house of detention in said District pending the completion of arrangements for his or her temporary detention in the Government Hospital for the Insane or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum, in the manner provided by law, in case he or she can not be provided for by the said Government Hospital for the Insane and no arrangement can be made for his or her temporary detention in any other hospital or asylum: Provided, however, That if, pending the formal commitment of such alleged insane person or person of unsound mind to the Government Hospital for the Insane or to any other hospital or asylum, the super-

intendent of said Government Hospital for the Insane, in the case of the commitment of a person to said hospital under the provisions of this Act, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of this Act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station house or house of detention under the provisions of this Act, shall certify in writing to the Commissioners of the District of Columbia that such person is not insane or that he or she has recovered his or her reason, the official in charge of the Government Hospital for the Insane or the hospital or asylum in which such person is confined, or the major and superintendent of said Metropolitan police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or person of unsound mind forthwith and immediately report such action to the Commissioners of the District of Columbia.

Act April 27, 1904, c. 1618, § 4, 33 Stat. 317.

**Certificate by physician as to sanity or insanity; qualifications of physician.**

Sec. 5. That for the purposes of this Act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

Act April 27, 1904, c. 1618, § 5, 33 Stat. 318.

**Making affidavit for apprehension, etc., of any person as insane, etc., without probable cause, or making false certificate as to sanity or insanity, punishable; penalty.**

Sec. 6. That any person who makes an affidavit, as required by section one or two of this Act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than five hundred dollars or imprisoned not more than three years, or both.

Act April 27, 1904, c. 1618, § 6, 33 Stat. 318.

**Repeal.**

Sec. 7. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Act April 27, 1904, c. 1618, § 7, 33 Stat. 318.

**ACT FEB. 23, 1905, c. 738. [S. 6244.]**

An Act to Change the Lunacy Proceedings in the District of Columbia where the Commissioners of said District are the Petitioners, and for Other Purposes. (33 Stat. 740.)

**Proceedings in lunacy on petition of Commissioners of District of Columbia; jurors; appointment of committee or trustee of person adjudged insane having property, and reimbursement of costs and expenses incurred.**

Be it enacted, &c., That hereafter the proceedings instituted upon petition of the Commissioners of the District of Columbia to determine the mental condition of alleged indigent insane persons and persons alleged to be insane, with homicidal or otherwise dangerous tendencies, shall be according to the provisions of the code of law for the District of Columbia relating to lunacy proceedings: Provided, That the jury to be used in case the said Commissioners are the petitioners shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, who shall perform such services in addition to and as part of their duties in said criminal courts: Provided further, That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court of said District, who shall perform such duties in addition to and as part of their duties in said police court; or the said court may direct a special jury to be summoned for such inquisitions. In case any such person adjudged to be of unsound mind has property, real or personal, the equity court of said District shall have full power in the same cause to appoint a committee or trustee of the person and estate of such person, according to the provisions of said code, and such committee or trustee shall reimburse, out of the funds of the lunatic, the District of Columbia for all court costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating such insane person up to the time of such appointment.

Act Feb. 23, 1905, c. 738, § 1, 33 Stat. 740.

Previous to this act, proceedings to commit to the hospital insane persons such as are described therein were directed to be taken in the equity court of the District of Columbia, and to be in conformity with the law in force in the District on Jan. 30, 1899, by a provision of Act March 3, 1903, c. 1006, § 1, 32 Stat. 1043; a further provision of which act, repealing Act Jan. 31, 1899, c. 78, §§ 1-6, 8, Comp. St. 1901, pp. 3359, 3360, which had changed such proceedings, is set forth above.

The law in force in the District of Columbia on Jan. 30, 1899, relating to such proceedings, was contained in Rev. St. §§ 4845-4848, and subsequent provisions enacted before that date, which were superseded by said Act Jan. 31, 1899, c. 78, Comp. St. 1901, pp. 3359, 3360, until the repeal of sections 1-6, 8, thereof, by Act March 3, 1903, c. 1006, § 1, as stated above.

The provisions of the Code for the District of Columbia relating to

lunacy proceedings, referred to in this section, are contained in Act March 3, 1901, c. 854, §§ 167-171, 31 Stat. 1217, amended, before the passage of this act, by Act June 30, 1902, c. 1329, 31 Stat. 520, 524, 527, by striking out said sections 167-171, and inserting new sections 115a-115e. Under said Code as originally enacted, such proceedings were in the probate court; by the amended provisions, they are in the equity court, as was provided also in regard to proceedings for commitment to the Government Hospital for the Insane, by Act March 3, 1903, c. 1006, § 1, 32 Stat. 1043.

Previous provisions similar to those of the provisos of this section, relating to impaneling juries in such proceedings from the jurors in attendance upon the criminal courts or the police court of the District, were contained in Act July 7, 1898, c. 571, 30 Stat. 666. They may be regarded as superseded by this act.

Previous provisions relating to insane persons having property, admitted to the Government Hospital for the Insane, are contained in Rev. St. § 4849, set forth in Comp. St. 1901, p. 3358.

**Discharge of person adjudged of unsound mind, as cured; sworn statement and order of court thereon restoring such person to former legal status.**

Sec. 2. That in case any person adjudged to be of unsound mind in the District of Columbia who is committed to the Government Hospital for the Insane, or any other institution, recovers his or her reason, and who is discharged from such institutions as cured, the superintendent of said Government Hospital for the Insane, or the official in charge of any such other institution where such person has been under treatment and has been so discharged, shall immediately thereafter file with the clerk of the supreme court of the District of Columbia his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

Act Feb. 23, 1905, c. 738, § 2, 33 Stat. 740.

**Sec. 4854.**

**Admission of pay patients.**

Proceedings for the admission of independent or pay patients, as well as of indigent insane persons, were prescribed by Act Jan. 31, 1899, c. 78, set forth in Comp. St. 1901, pp. 3359, 3360, but sections 1-6 of that act, relating to such proceedings, are repealed by a provision of Act March 3, 1903, c. 1006, § 1, set forth above.

**Sec. 4858.**

**ACT JULY 31, 1876, c. 246.**

**Expense of indigent insane admitted from District of Columbia.**

Government Hospital for the Insane.—For the support, clothing and medical and moral treatment \* \* of the indigent insane of the District of Columbia in the Government Hospital for the insane \* \*; and one half of the expense of the indigent persons who may be hereafter admitted from the District of Columbia shall be paid from the treasury of said District. \* \*

Act July 31, 1876, c. 246, 19 Stat. 108.

This is a provision of the sundry civil appropriation act for the fiscal

year ending June 30, 1877, cited above. It is repeated in the similar act for the fiscal year next following, Act March 2, 1877, c. 103, 19 Stat. 347, with a proviso annexed that thereafter such indigent persons should be admitted only upon order of the executive authority of the District; but this proviso may be regarded as superseded by the subsequent provisions relating to such admission.

A further provision for charging one-half of the expense of the indigent patients from the District of Columbia against the appropriations to be paid toward the expenses of the District by the general government, contained in Act March 3, 1879, c. 182, § 1, is set forth in Comp. St. 1901, p. 3363.

**ACT AUG. 7, 1882, c. 433, § 1.**

**Sale of surplus products and waste material; insane inmates of National Home entitled to admission to hospital.**

The proviso annexed to the paragraph of Act Aug. 7, 1882, c. 433, § 1, set forth in Comp. St. 1901, p. 3304, is stricken out, and a different proviso inserted, by Act Feb. 20, 1905, c. 593, set forth below.

**ACT FEB. 20, 1905, c. 593. [H. R. 12152.]**

An Act Relating to the Payment and Disposition of Pension Money Due to Inmates of the Government Hospital for the Insane. (33 Stat. 731.)

**Amendment of Act Aug. 7, 1882, c. 433, § 1; disposition of pension money of inmates.**

Be it enacted, &c., That the proviso in the Act approved August seventh, eighteen hundred and eighty-two, appearing on page three hundred and thirty of the Twenty-second Statutes at Large, and relating to pensions of inmates of the Government Hospital for the Insane, is hereby stricken out and the following inserted:

"Provided, That in addition to the persons now entitled to admission to said hospital, any inmate of the National Home for Disabled Volunteer Soldiers who is now or may hereafter become insane shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to said hospital and treated therein. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital; the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then



to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: Provided further, That in the case of pensioners transferred to the hospital from the National Home for Disabled Volunteer Soldiers, any pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided; and in case of his return from said hospital to the Home, any balance to his credit at said hospital shall, in like manner, be transferred to said Home, to be expended in accordance with the rules established in regard thereto. This provision shall also be applicable to all unexpended pension money heretofore paid to the officers of the said hospital on account of pensioners who were but are not now inmates thereof."

Act Feb. 20, 1905, c. 593, 33 Stat. 731.

The proviso in Act Aug. 7, 1882, c. 433, § 1, stricken out by this act, is contained in the paragraph of said act set forth in Comp. St. 1901, p. 8364.

## CHAPTER SIX.

### National Cemeteries.

#### Sec. 4875.

##### Salary of superintendents.

A superintendent of Antietam battlefield is provided for by Act June 28, 1902, c. 1301, § 1, set forth below.

#### ACT JUNE 28, 1902, c. 1301, § 1.

##### Superintendent of Antietam battlefield.

\* \* For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, one thousand five hundred dollars.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 464.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated in the similar appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1197.

#### Sec. 4882.

#### ACT MARCH 2, 1895, c. 189.

##### Encroachments by railroads on rights of way to national cemeteries.

The provision of the paragraph of Act March 2, 1895, c. 189, set forth in Comp. St. 1901, p. 3379, is repeated in the sundry civil appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1906, is by Act March 3, 1905, c. 1483, § 1, 33 Stat. 1196.

TITLE LX.  
PATENTS, TRADE-MARKS, AND  
COPYRIGHTS.

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CHAPTER ONE.

**Patents.**

**Sec. 4883.** [*As amended 1888.*]

[Amended. Act April 11, 1902, c. 417.]

This section is further amended by Act April 11, 1902, c. 417, set forth below.

**ACT APRIL 11, 1902, c. 417.**

An Act to Amend Section Forty-Eight Hundred and Eighty-Three of the Revised Statutes, Relating to the Signing of Letters Patent for Inventions. (32 Stat. 95.)

**Amendment of Rev. St. § 4883.**

Be it enacted, &c., That section forty-eight hundred and eighty-three of the Revised Statutes be, and is hereby, amended so as to read as follows:

**Patents, how issued, attested, and recorded.**

"Sec. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose."

Act April 11, 1902, c. 417, 32 Stat. 95.

Rev. St. § 4883, amended by this section, is set forth, as previously amended by Act Feb. 18, 1888, c. 15, in Comp. St. 1901, p. 3381. Before the amendment by this act, the section required patents to be signed by the Secretary of the Interior or one of the assistant secretaries, and countersigned by the Commissioner of Patents.

**Sec. 4887.** [*As amended 1897.*]

[Amended. Act March 3, 1903, c. 1019.]

This section is further amended by Act March 3, 1903, c. 1019, § 1, set forth below.

**ACT MARCH 3, 1903, c. 1019.**

An Act to Effectuate the Provisions of the Additional Act of the International Convention for the Protection of Industrial Property. (32 Stat. 1225.)

**Amendment of Rev. St. § 4887.**

Be it enacted, &c., That section forty-eight hundred and eighty-seven of the Revised Statutes is amended by changing the word "seven" to "twelve," and by inserting after the word "months" the words "in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and four months, in cases of designs," and by adding the following words: "An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use, or on sale in this country for more than two years prior to such filing;" so that the section so amended shall read:

**Patents for inventions previously patented abroad.**

"Sec. 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and four months in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

"An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section forty-eight hundred

and eighty-six of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing."

Act March 3, 1903, c. 1019, § 1, 32 Stat. 1225.

This section further amends Rev. St. § 4887, set forth, as amended by Act March 3, 1897, c. 391, § 3, in Comp. St. 1901, p. 3382.

Rev. St. § 4886, mentioned in this section, is set forth in Comp. St. 1901, p. 3382.

Sec. 2. [Amends Rev. St. § 4892.]

Sec. 3. [Amends Rev. St. § 4896.]

Sec. 4. [Amends Rev. St. § 4902.]

## **Sec. 4892.**

[Amended. Act March 3, 1903, c. 1019, § 2.]

This section is amended by Act March 3, 1903, c. 1019, § 2, set forth below.

### **ACT MARCH 3, 1903, c. 1019, § 2.**

#### **Amendment of Rev. St. § 4892.**

Sec. 2. That section forty-eight hundred and ninety-two of the Revised Statutes is amended by inserting after the words "notary public" the words "judge or magistrate having an official seal and authorized to administer oaths," and by adding at the end thereof the words "whose authority shall be proved by certificate of a diplomatic or consular officer of the United States;" so that the section so amended shall read:

#### **Oath required from applicant.**

"Sec. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States."

Act March 3, 1903, c. 1019, § 2, 32 Stat. 1226.

Rev. St. § 4892, amended by this section, is set forth in Comp. St. 1901, p. 3384.

**Sec. 4896.** [*As amended 1899.*]

[Amended. Act March 3, 1903, c. 1019, § 3.]

This section is further amended by Act March 3, 1903, c. 1019, § 3, set forth below.

**ACT MARCH 3, 1903, c. 1019, § 3.**

**Amendment of Rev. St. § 4896.**

Sec. 3. That section forty-eight hundred and ninety-six of the Revised Statutes is amended by adding thereto the following sentence: "The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States;" so that the section so amended shall read as follows:

**When, and on what oath, executor or administrator may obtain patent.**

"Sec. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States."

Act March 3, 1903, c. 1019, § 3, 32 Stat. 1226.

This section further amends Rev. St. § 4896, as carried into the Revised Statutes from Act July 8, 1870, c. 230, § 34, which was amended by Act Feb. 28, 1899, c. 227, so as to read as set forth in Comp. St. 1901, p. 3385. As amended by this section, the provisions added to the original section by said Act Feb. 28, 1899, c. 227, relating to obtaining patents by the guardian, conservator, or representative of an insane inventor, are omitted.

**Sec. 4902.**

[Amended. Act March 3, 1903, c. 1019, § 4.]

This section is amended by Act March 3, 1903, c. 1019, § 4, set forth below.

**ACT MARCH 3, 1903, c. 1019, § 4.**

**Amendment of Rev. St. § 4902.**

Sec. 4. That section forty-nine hundred and two is amended by striking out the words "citizen of the United States" in the first line thereof, and substituting the word "person" in place thereof, and by striking out the last clause of said section; so that this section so amended shall read as follows:

**Filing and effect of caveats.**

"Sec. 4902. Any person who makes any new invention or discovery and desires further time to mature the same may, on payment of the fees required by law, file in the Patent Office a caveat setting forth the design thereof and of its distinguishing characteristics and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year by any other person for a patent with which such caveat would in any manner interfere the Commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office and give notice thereof by mail to the person by whom the caveat was filed. If such person desires to avail himself of his caveat he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post-office in Washington, with the usual time required for transmitting it to the caveator added thereto, which time shall be indorsed on the notice."

Act March 3, 1903, c. 1019, § 4, 32 Stat. 1227.

Rev. St. § 4902, amended by this section, is set forth in Comp. St. 1901, p. 3388.

**Sec. 4911.**

**ACT FEB. 9, 1893, c. 74, § 9.**

**Appeals from Commissioner of Patents.**

Appeals from decisions of the Commissioner of Patents on applications for registration of trade-marks are allowed, on complying with the conditions required in case of appeals from decisions in regard to patents, and are governed by the same rules of practice, etc., so far as applicable, by Act Feb. 20, 1905, c. 592, § 9, set forth post, under chapter 2 of this Title.

**Sec. 4929.**

[Amended. Act May 9, 1902, c. 783.]

This section is amended by Act May 9, 1902, c. 783, set forth below.

**ACT MAY 9, 1902, c. 783.**

An Act to Amend Section Forty-Nine Hundred and Twenty-Nine of the Revised Statutes, Relating to Design Patents. (32 Stat. 193.)

**Amendment of Rev. St. § 4929.**

Be it enacted, &c., That section forty-nine hundred and twenty-nine

of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

**Patents for designs authorized.**

"Sec. 4929. Any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries covered by section forty-eight hundred and eighty-six, obtain a patent therefor."

Act May 9, 1902, c. 783, 32 Stat. 193.

Rev. St. § 4929, amended by this section, is set forth in Comp. St. 1901, p. 3398.

**Sec. 4935.**

**Mode of payment.**

Rev. St. § 4935, Comp. St. 1901, p. 3400, relating to payment of patent fees, is made applicable to trade-mark fees, by Act Feb. 20, 1905, c. 592, § 15, set forth post, under chapter 2 of this Title.

**Sec. 4936.**

**Refunding.**

Rev. St. § 4936, Comp. St. 1901, p. 3400, relating to repayment of patent fees paid by mistake, is made applicable to trade-mark fees, by Act Feb. 20, 1905, c. 592, § 15, set forth post, under chapter 2 of this Title.

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## CHAPTER TWO.

### Trade-Marks.

**Secs. 4937-4947.**

**ACT MARCH 3, 1881, c. 138.**

[Superseded. Act Feb. 20, 1905, c. 592.]

The provisions of Act March 3, 1881, c. 138, set forth in Comp. St. 1901, pp. 3401-3404, are superseded by the more comprehensive provisions relating to the same subject of Act Feb. 20, 1905, set forth below, section 30 of which repeals all acts and parts of acts inconsistent with that act except so far as the same may apply to certificates of registration issued under said Act March 3, 1881, c. 138, or Act Aug. 5, 1882, c. 393, Comp. St. 1901, p. 3404.

**ACT FEB. 20, 1905, c. 592. [H. R. 16560.]**

An Act to Authorize the Registration of Trade-Marks Used in Com-

merce with Foreign Nations or Among the Several States or with Indian Tribes, and to Protect the Same. (33 Stat. 724.)

**Registration of trade-marks authorized; requisites of application therefor; fees and other requirements.**

Be it enacted, &c., That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a description of the trade-mark itself, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark, as actually used, as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of ten dollars, and otherwise complying with the requirements of this Act and such regulations as may be prescribed by the Commissioner of Patents.

Act Feb. 20, 1905, c. 592, § 1, 33 Stat. 724.

The Commissioner of Patents is authorized to make regulations for proceedings for registration of trade-marks under this act, by section 26 of this act, set forth below.

**Declaration accompanying application; verification thereof.**

Sec. 2. That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to such use, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall



not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States.

Act Feb. 20, 1905, c. 592, § 2, 33 Stat. 724.

**Designation by foreign applicant of person on whom process or notice of proceedings may be served.**

Sec. 3. That every applicant for registration of a trade-mark, or for renewal of registration of a trade-mark, who is not domiciled within the United States, shall, before the issuance of the certificate of registration, as hereinafter provided for, designate, by a notice in writing, filed in the Patent Office, some person residing within the United States on whom process or notice of proceedings affecting the right of ownership of the trade-mark of which such applicant may claim to be the owner, brought under the provisions of this Act or under other laws of the United States, may be served, with the same force and effect as if served upon the applicant or registrant in person. For the purposes of this Act it shall be deemed sufficient to serve such notice upon such applicant, registrant, or representative by leaving a copy of such process or notice addressed to him at the last address of which the Commissioner of Patents has been notified.

Act Feb. 20, 1905, c. 592, § 3, 33 Stat. 725.

**Effect to be given to application where previous application has been filed in foreign country affording similar privileges to citizens of the United States; limitations, and restrictions on issue of certificates in such cases.**

Sec. 4. That an application for registration of a trade-mark filed in this country by any person who has previously regularly filed in any foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States an application for registration of the same trade-mark shall be accorded the same force and effect as would be accorded to the same application if filed in this country on the date on which application for registration of the same trade-mark was first filed in such foreign country: Provided, That such application is filed in this country within four months from the date on which the application was first filed in such foreign country: And provided, That certificate of registration shall not be issued for any mark for registration of which application has been filed by an applicant located in a foreign country until such mark has been actually registered by the applicant in the country in which he is located.

Act Feb. 20, 1905, c. 592, § 4, 33 Stat. 725.

The certificate of registration of a trade-mark previously registered in a foreign country ceases to be in force when the trade-mark ceases

to be protected in such foreign country, by a provision of section 12 of this act, set forth below.

**Trade-marks which may be registered.**

Sec. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

(a) Consists of or comprises immoral or scandalous matter;

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State or municipality, or of any foreign nation: Provided, That trade-marks which are identical with a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers, shall not be registered: Provided, That no mark which consists merely in the name of an individual, firm, corporation, or association, not written, printed, impressed, or woven in some particular or distinctive manner or in association with a portrait of the individual, or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this Act: Provided further, That no portrait of a living individual may be registered as a trade-mark, except by the consent of such individual, evidenced by an instrument in writing: And provided further, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual and exclusive use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years next preceding the passage of this Act.

Act Feb. 20, 1905, c. 592, § 5, 33 Stat. 725.

No action or suit is to be maintained under this act in any case when the trade-mark is used in unlawful business, or when any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or upon any certificate of registration fraudulently obtained, by section 21 of this act, set forth below.

**Examination of application; publication of trade-mark; filing notice of opposition; issue of certificate of registration where no notice of opposition; refusal of application on examination.**

Sec. 6. That on the filing of an application for registration of a trade-mark which complies with the requirements of this Act, and the payment of the fees herein provided for, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this Act, the Commissioner shall cause the mark to be published at least once in the Official Gazette

of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section two of this Act. If no notice of opposition is filed within said time the Commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the Commissioner shall notify the applicant, giving him his reasons therefor.

Act Feb. 20, 1905, c. 592, § 6, 33 Stat. 726.

Fees on filing applications for registration, and on filing notice of opposition thereto, are prescribed by sections 1 and 14 of this act.

**Notice to applicant of opposition; declaration of interference; examination of interference or opposition; grounds for refusal of registration.**

Sec. 7. That in all cases where notice of opposition has been filed the Commissioner of Patents shall notify the applicant thereof and the grounds therefor.

Whenever application is made for the registration of a trade-mark which is substantially identical with a trade-mark appropriated to goods of the same descriptive properties, for which a certificate of registration has been previously issued to another, or for registration of which another has previously made application, or which so nearly resembles such trade-mark, or a known trade-mark owned and used by another, as, in the opinion of the Commissioner, to be likely to be mistaken therefor by the public, he may declare that an interference exists as to such trade-mark, and in every case of interference or opposition to registration he shall direct the examiner in charge of interferences to determine the question of the right of registration to such trade-mark, and of the sufficiency of objections to registration, in such manner and upon such notice to those interested as the Commissioner may by rules prescribe.

The Commissioner may refuse to register the mark against the registration of which objection is filed, or may refuse to register both of two interfering marks, or may register the mark, as a trade-mark, for the person first to adopt and use the mark, if otherwise entitled to register the same, unless an appeal is taken, as hereinafter provided for, from his decision, by a party interested in the proceeding, within such time (not less than twenty days) as the Commissioner may prescribe.

Act Feb. 20, 1905, c. 592, § 7, 33 Stat. 726.

Suits in equity involving interfering registered trade-marks are authorized by section 22 of this act, set forth below.

**Appeal from decision of examiner to Commissioner of Patents.**

Sec. 8. That every applicant for the registration of a trade-mark, or for the renewal of the registration of a trade-mark, which application is refused, or a party to an interference against whom a decision has been rendered, or a party who has filed a notice of opposition as to a trade-mark, may appeal from the decision of the examiner in charge of trade-marks, or the examiner in charge of interferences, as

the case may be, to the Commissioner in person, having once paid the fee for such appeal.

Act Feb. 20, 1905, c. 592, § 8, 33 Stat. 726.

Fees on appeals from the decision of the examiner to the Commissioner of Patents are prescribed by section 14 of this act, set forth below.

**Appeal from decision of Commissioner of Patents to Court of Appeals of District of Columbia.**

Sec. 9. That if an applicant for registration of a trade-mark, or a party to an interference as to a trade-mark, or a party who has filed opposition to the registration of a trade-mark, or party to an application for the cancellation of the registration of a trade-mark, is dissatisfied with the decision of the Commissioner of Patents, he may appeal to the court of appeals of the District of Columbia, on complying with the conditions required in case of an appeal from the decision of the Commissioner by an applicant for patent, or a party to an interference as to an invention, and the same rules of practice and procedure shall govern in every stage of such proceedings, as far as the same may be applicable.

Act Feb. 20, 1905, c. 592, § 9, 33 Stat. 727.

**Assignments of trade-marks.**

Sec. 10. That every registered trade-mark, and every mark for the registration of which application has been made, together with the application for registration of the same, shall be assignable in connection with the good will of the business in which the mark is used. Such assignment must be by an instrument in writing and duly acknowledged according to the laws of the country or State in which the same is executed; any such assignment shall be void as against any subsequent purchaser for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from date thereof. The Commissioner shall keep a record of such assignments.

Act Feb. 20, 1905, c. 592, § 10, 33 Stat. 727.

A provision for the issue of a certificate of registration to the assignee of the applicant is contained in the next following section of this act.

Fees for recording transfers, etc., are prescribed by section 14 of this act, set forth below.

**Certificates of registration and record thereof; copies of records, books, etc., and of certificates of registration, as evidence.**

Sec. 11. That certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office.

Written or printed copies of any records, books, papers, or drawings relating to trade-marks belonging to the Patent Office, and of certificates of registration, authenticated by the seal of the Patent Office and certified by the Commissioner thereof, shall be evidence in all cases

wherein the originals could be evidence; and any person making application therefor and paying the fee required by law shall have certified copies thereof.

Act Feb. 20, 1905, c. 592, § 11, 33 Stat. 727.

Fees for copies of certificates of registration and other papers, and for recording transfers and other papers, are prescribed by section 14 of this act, set forth below.

**Duration of certificate of registration, and renewal thereof.**

Sec. 12. That a certificate of registration shall remain in force for twenty years, except that in the case of trade-marks previously registered in a foreign country such certificates shall cease to be in force on the day on which the trade-mark ceases to be protected in such foreign country, and shall in no case remain in force more than twenty years, unless renewed. Certificates of registration may be, from time to time, renewed for like periods on payment of the renewal fees required by this Act, upon request by the registrant, his legal representatives, or transferees of record in the Patent Office, and such request may be made at any time not more than six months prior to the expiration of the period for which the certificates of registration were issued or renewed. Certificates of registration in force at the date at which this Act takes effect shall remain in force for the period for which they were issued, but shall be renewable on the same conditions and for the same periods as certificates issued under the provisions of this Act, and when so renewed shall have the same force and effect as certificates issued under this Act.

Act Feb. 20, 1905, c. 592, § 12, 33 Stat. 727.

Certificates of registration issued under previous acts are excepted from the operation of the repeal of all acts and portions thereof inconsistent with this act, by section 30 of this act, set forth below.

**Cancellation of registration; proceedings therefor.**

Sec. 13. That whenever any person shall deem himself injured by the registration of a trade-mark in the Patent Office he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The Commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the use of the mark at the date of his application for registration thereof, or that the mark is not used by the registrant, or has been abandoned, and the examiner shall so decide, the Commissioner shall cancel the registration. Appeal may be taken to the Commissioner in person from the decision of examiner of interferences.

Act Feb. 20, 1905, c. 592, § 13, 33 Stat. 728.

Cancellation of the certificate of registration, in a suit in equity involving interfering registered trade-marks, is authorized by section 22 of this act, set forth below.

**Fees.**

Sec. 14. That the following shall be the rates for trade-mark fees: On filing each original application for registration of a trade-mark, ten dollars: Provided, That an application for registration of a trade-

mark pending at the date of the passage of this Act, and on which certificate of registration shall not have issued at such date, may, at the option of the applicant, be proceeded with and registered under the provisions of this Act without the payment of further fee.

On filing each application for renewal of the registration of a trade-mark, ten dollars.

On filing notice of opposition to the registration of a trade-mark, ten dollars.

On an appeal from the examiner in charge of trade-marks to the Commissioner of Patents, fifteen dollars.

On an appeal from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark or canceling the registration of a trade-mark, to the Commissioner of Patents, fifteen dollars.

For certified and uncertified copies of certificates of registration and other papers, and for recording transfers and other papers, the same fees as required by law for such copies of patents and for recording assignments and other papers relating to patents.

Act Feb. 20, 1905, c. 592, § 14, 33 Stat. 728.

Fees for copies of patents, and for recording assignments and other papers relating to patents, mentioned in this section, are prescribed by Rev. St. § 4934, set forth in Comp. St. 1901, p. 8400.

**Application of Rev. St. §§ 4935, 4936, to trade-mark fees.**

Sec. 15. That sections forty-nine hundred and thirty-five and forty-nine hundred and thirty-six of the Revised Statutes, relating to the payment of patent fees and to the repayment of fees paid by mistake, are hereby made applicable to trade-mark fees.

Act Feb. 20, 1905, c. 592, § 15, 33 Stat. 728.

Rev. St. §§ 4935, 4936, mentioned in this section, are set forth in Comp. St. 1901, p. 8400.

**Registration prima facie evidence of ownership; infringement, and recovery of damages therefor; treble damages.**

Sec. 16. That the registration of a trade-mark under the provisions of this Act shall be prima facie evidence of ownership. Any person who shall, without the consent of the owner thereof, reproduce, counterfeit, copy, or colorably imitate any such trade-mark and affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

Act Feb. 20, 1905, c. 592, § 16, 33 Stat. 728.

Damages, in addition to the profits to be accounted for, are recover-

able upon a decree for wrongful use of a trade-mark in a suit for an injunction, and the court has the same power to increase such damages as is given by this section in actions at law, by section 19 of this act, set forth below.

Damages are not recoverable in a suit for infringement by a party failing to give the notice of registration prescribed by section 28 of this act, except on proof that defendant was notified of infringement and continued the same after such notice, by a further provision of said section 28, set forth below.

**Jurisdiction of suits respecting trade-marks.**

Sec. 17. That the circuit and territorial courts of the United States and the supreme court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal of the United States and the court of appeals of the District of Columbia shall have appellate jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of this Act, arising under the present Act, without regard to the amount in controversy.

Act Feb. 20, 1905, c. 592, § 17, 33 Stat. 728.

Jurisdiction of proceedings to enforce an injunction against infringement of a registered trade-mark, by punishment for contempt or otherwise, is conferred on the court by which such injunction was granted, or any other circuit court, etc., or a judge thereof, by section 20 of this act, set forth below.

**Certiorari for review by Supreme Court of cases arising under act.**

Sec. 18. That writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this Act in the same manner as provided for patent cases by the Act creating the circuit court of appeals.

Act Feb. 20, 1905, c. 592, § 18, 33 Stat. 729.

The provisions for review of patent cases by the Supreme Court by writs of certiorari, mentioned in this section, are contained in Act March 3, 1891, c. 517, § 6, set forth in Comp. St. 1901, p. 549.

**Power of courts to grant injunctions; recovery of damages in addition to profits to be accounted for; treble damages; assessment of profits and damages.**

Sec. 19. That the several courts vested with jurisdiction of cases arising under the present Act shall have power to grant injunctions, according to the course and principles of equity, to prevent the violation of any right of the owner of a trade-mark registered under this Act, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for wrongful use of a trade-mark the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. The court shall have the same power to increase such damages, in its discretion, as is given by section sixteen of this Act for increasing damages found by verdict in actions of law; and in assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost which are claimed.

Act Feb. 20, 1905, c. 592, § 19, 33 Stat. 729.

Section 16 of this act, mentioned in this section, is set forth above.

Damages are not recoverable in a suit for infringement by a party

falling to give the notice of registration prescribed by section 28 of this act, except on proof that defendant was notified of infringement, and continued the same after such notice, by a further provision of said section 28, set forth below.

**Order for destruction of infringing labels, etc.; service of injunction, and proceedings for enforcement thereof.**

Sec. 20. That in any case involving the right to a trade-mark registered in accordance with the provisions of this Act, in which the verdict has been found for the plaintiff, or an injunction issued, the court may order that all labels, signs, prints, packages, wrappers, or receptacles in the possession of the defendant, bearing the trade-mark of the plaintiff or complainant, or any reproduction, counterfeit, copy, or colorable imitation thereof, shall be delivered up and destroyed. Any injunction that may be granted upon hearing, after notice to the defendant, to prevent the violation of any right of the owner of a trade-mark registered in accordance with the provisions of this Act, by any circuit court of the United States, or by a judge thereof, may be served on the parties against whom such injunction may be granted anywhere in the United States where they may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other circuit court, or judge thereof, in the United States, or by the supreme court of the District of Columbia, or a judge thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the circuit court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office.

Act Feb. 20, 1905, c. 592, § 20, 33 Stat. 729.

**Restrictions on actions for infringement.**

Sec. 21. That no action or suit shall be maintained under the provisions of this Act in any case when the trade-mark is used in unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or has been abandoned, or upon any certificate of registration fraudulently obtained.

Act Feb. 20, 1905, c. 592, § 21, 33 Stat. 729.

Restrictions on registration of marks as trade-marks are contained in section 5 of this act, set forth above.

**Suits involving interfering registered trade-marks.**

Sec. 22. That whenever there are interfering registered trade-marks, any person interested in any one of them may have relief against the interfering registrant, and all persons interested under him, by suit in equity against the said registrant; and the court, on notice to adverse parties and other due proceedings had according to the course of equity, may adjudge and declare either of the registrations void in whole or in part according to the interest of the parties in the trade-



mark, and may order the certificate of registration to be delivered up to the Commissioner of Patents for cancellation.

Act Feb. 20, 1905, c. 592, § 22, 33 Stat. 729.

**Existing rights and remedies for wrongful use of trade-mark preserved.**

Sec. 23. That nothing in this Act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this Act had not been passed.

Act Feb. 20, 1905, c. 592, § 23, 33 Stat. 730.

Certificates of registration issued under previous acts are excepted from the operation of the repeal of inconsistent acts and parts of acts by section 30 of this act, set forth below.

**Pending applications for registration; amendment and prosecution thereof.**

Sec. 24. That all applications for registration pending in the office of the Commissioner of Patents at the time of the passage of this Act may be amended with a view to bringing them, and the certificate issued upon such applications, under its provisions, and the prosecution of such applications may be proceeded with under the provisions of this Act.

Act Feb. 20, 1905, c. 592, § 24, 33 Stat. 730.

**Damages from registration procured by false or fraudulent declaration or means; recovery.**

Sec. 25. That any person who shall procure registration of a trade-mark, or entry thereof, in the office of the Commissioner of Patents by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case.

Act Feb. 20, 1905, c. 592, § 25, 33 Stat. 730.

**Regulations for proceedings for registration.**

Sec. 26. That the Commissioner of Patents is authorized to make rules and regulations, not inconsistent with law, for the conduct of proceedings in reference to the registration of trade-marks provided for by this Act.

Act Feb. 20, 1905, c. 592, § 26, 33 Stat. 730.

**Articles imported, copying or simulating, etc., trade-name or registered trade-mark, not admitted to entry.**

Sec. 27. That no article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this Act, or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality

in which it is in fact manufactured, shall be admitted to entry at any custom-house of the United States; and, in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty, convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade-marks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trade-mark, issued in accordance with the provisions of this Act, to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trade-mark; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

Act Feb. 20, 1905, c. 592, § 27, 33 Stat. 730.

Provisions similar to those of this section were contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, § 11, set forth in Comp. St. 1901, p. 1694.

**Notice of registration to be affixed to trade-mark or to package inclosing article; notice of registration or of infringement requisite of recovery of damages.**

Sec. 28. That it shall be the duty of the registrant to give notice to the public that a trade-mark is registered, either by affixing thereon the words "Registered in U. S. Patent Office," or abbreviated thus, "Reg. U. S. Pat. Off.," or when, from the character or size of the trade-mark, or from its manner of attachment to the article to which it is appropriated, this can not be done, then by affixing a label containing a like notice to the package or receptacle wherein the article or articles are inclosed; and in any suit for infringement by a party failing so to give notice of registration no damages shall be recovered, except on proof that the defendant was duly notified of infringement, and continued the same after such notice.

Act Feb. 20, 1905, c. 592, § 28, 33 Stat. 730.

When a trade-mark is to be deemed "affixed" to an article, within the meaning of this act, is defined by the section next following.

**Construction of act; definitions.**

Sec. 29. That in construing this Act the following rules must be observed, except where the contrary intent is plainly apparent from the context thereof: The United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word "States" includes and embraces the District of Columbia, the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The terms "person" and "owner," and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this Act, include a firm, corporation, or association as well as a natural person. The term "applicant" and

“registrant” embrace the successors and assigns of such applicant or registrant. The term “trade-mark” includes any mark which is entitled to registration under the terms of this Act and whether registered or not and a trade-mark shall be deemed to be “affixed” to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or inclosed or otherwise prepared for sale or distribution.

Act Feb. 20, 1905, c. 592, § 29, 33 Stat. 731.

**Time of taking effect of act; repeal; exception of certificates of registration issued under previous acts.**

Sec. 30. That this Act shall be in force and take effect April first, nineteen hundred and five. All Acts and parts of Acts inconsistent with this Act are hereby repealed except so far as the same may apply to certificates of registration issued under the Act of Congress approved March third, eighteen hundred and eighty-one, entitled “An Act to authorize the registration of trade-marks and protect the same,” or under the Act approved August fifth, eighteen hundred and eighty-two, entitled “An Act relating to the registration of trade-marks.”

Act Feb. 20, 1905, c. 592, § 30, 33 Stat. 731.

Act March 3, 1881, c. 138, and Act Aug. 5, 1882, c. 393, mentioned in this section, are set forth in Comp. St. 1901, pp. 3401-3405.

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## CHAPTER THREE.

### Copyrights.

#### Sec. 4952. [*As amended 1891.*]

[Amended. Act March 3, 1905, c. 1432.]

This section, set forth as previously amended by Act March 3, 1891, c. 565, § 1, in Comp. St. 1901, p. 3406, is further amended by Act March 3, 1905, c. 1432, set forth below.

#### **ACT MARCH 3, 1905, c. 1432. [H. R. 6487.]**

An Act to Amend Section Forty-Nine Hundred and Fifty-Two of the Revised Statutes. (33 Stat. 1000.)

#### **Amendment of Rev. St. § 4952.**

Be it enacted, &c., That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

**What publications may be entered for copyright; [books in foreign language published in foreign country, and requirements for copyright thereof.]**

“Sec. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or negative thereof, or of a painting, drawing,

chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors or their assigns shall have exclusive right to dramatize or translate any of their works for which copyright shall have been obtained under the laws of the United States.

"Whenever the author or proprietor of a book in a foreign language, which shall be published in a foreign country before the day of publication in this country, or his executors, administrators, or assigns, shall deposit one complete copy of the same, including all maps and other illustrations, in the Library of Congress, Washington, District of Columbia, within thirty days after the first publication of such book in a foreign country, and shall insert in such copy, and in all copies of such book sold or distributed in the United States, on the title page or the page immediately following, a notice of the reservation of copyright in the name of the proprietor, together with the true date of first publication of such book, in the following words: 'Published                     , nineteen hundred and                     . Privilege of copyright in the United States reserved under the Act approved                     , nineteen hundred and five, by                     ,' and shall, within twelve months after the first publication of such book in a foreign country, file the title of such book and deposit two copies of it in the original language or, at his option, of a translation of it in the English language, printed from type set within the limits of the United States, or from plates made therefrom, containing a notice of copyright, as provided by the copyright laws now in force, he and they shall have during the term of twenty-eight years from the date of recording the title of the book or of the English translation of it, as provided for above, the sole liberty of printing, reprinting, publishing, vending, translating, and dramatizing the said book: Provided, That this Act shall only apply to a citizen or subject of a foreign State or nation when such foreign State or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to its own citizens."

Act March 3, 1905, c. 1432, 33 Stat. 1000.

Rev. St. § 4952, amended by this act, is set forth, as previously amended by Act March 3, 1891, c. 565, § 1, in Comp. St. 1901, p. 3406. The amendment by this act consists principally in the addition to the first paragraph, which constituted the entire section as previously amended, of the second paragraph, containing provisions for copyright of books in a foreign language published in a foreign country.

Provisions allowing books and other articles such as are described in the first paragraph of this section, published abroad prior to November 30, 1904, intended for exhibition at the Louisiana Purchase Exposition, to be copyrighted for a term of two years, and authorizing the extension of such term for the full terms provided for in this chapter, and also allowing similar temporary copyright protection for original works of the fine arts, produced without the limits of the United States prior to November 30, 1904, and intended for exhibition at said Exposition, were contained in Act Jan. 7, 1904, c. 2, 33 Stat. 4; but no registration under the act was to be made after November 30, 1904.

**Sec. 4956.** [*As amended 1891.*]**Deposit of title and published copies.**

Provisions that any author, etc., or proprietor of a book or other article entitled to copyright, who had failed to deliver the two copies of such book, etc., required, within the time limited by this chapter, but had complied with all other provisions thereof, and had delivered at the office of the Librarian of Congress or deposited in the mail addressed to him two such copies as required, before March 1, 1893, shall be entitled to all the rights and privileges of this chapter, and the acts in amendment thereof, are contained in Act March 3, 1893, c. 215, set forth below.

**ACT MARCH 3, 1893, c. 215.**

An Act Relating to Copyrights. (27 Stat. 743.)

**Delivery, before March 1, 1893, of copies not delivered within time limited therefor.**

Be it enacted, &c., That any author, inventor, designer, or proprietor of any book, or other article entitled to copyright, who has heretofore failed to deliver in the office of the Librarian of Congress, or in the mail addressed to the Librarian of Congress, two complete copies of such book, or description or photograph of such article, within the time limited by title sixty, chapter three, of the Revised Statutes relating to copyrights, and the acts in amendment thereof, and has complied with all other provisions thereof, who has, before the first day of March, anno Domini eighteen hundred and ninety-three, delivered at the office of the Librarian of Congress, or deposited in the mail addressed to the Librarian of Congress two complete printed copies of such book, or description, or photograph of such article, shall be entitled to all the rights and privileges of said title sixty, chapter three, of the Revised Statutes and the acts in amendment thereof.

Act March 3, 1893, c. 215, 27 Stat. 743.

# TITLE LXI. BANKRUPTCY.

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## CHAPTER TWO.

### Creation of Courts of Bankruptcy and Their Jurisdiction.

#### **ACT JULY 1, 1898, c. 541.**

[Amended. Act Feb. 5, 1903, c. 487, § 1.]

Various sections and subdivisions of sections of this act, the Bankruptcy Act of 1898, are amended by provisions of Act Feb. 5, 1903, c. 487, which are set forth post, under this chapter and subsequent chapters of the original act. Section 2 of said Act July 1, 1898, c. 541, is amended by Act Feb. 5, 1903, c. 487, § 1, set forth below.

#### **ACT FEB. 5, 1903, c. 487.**

An Act to Amend an Act Entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States," Approved July First, Eighteen Hundred and Ninety-Eight. (32 Stat. 797.)

#### **Amendment of Act July 1, 1898, c. 541, § 2, cl. 5; courts of bankruptcy; jurisdiction and powers.**

Be it enacted, &c., That clause five of section two of said Act be, and the same is hereby, amended so as to read as follows:

"(5) Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services, but not at a greater rate than in this Act allowed trustees for similar services."

Act Feb. 5, 1903, c. 487, § 1, 32 Stat. 797.

This section amends Act July 1, 1898, c. 541, § 2, cl. 5, set forth in Comp. St. 1901, p. 3421, to read as set forth here, the amendment consisting in the addition of the words, "and allow such officers additional compensation for such services, but not at a greater rate than in this act allowed trustees for similar services."

Secs. 2-16. [Amend Act July 1, 1898, c. 541, §§ 3, 4, 14, 17, 18, 21, 23, 40, 47, 48, 57, 60, 64, 65, 67.]

These sections, amending various provisions of Act July 1, 1898, c. 541, Comp. St. 1901, pp. 3422-3450, are set forth post, under this title, under the several chapters and sections, respectively, of the original act so amended.

Secs. 17, 18. [Add new sections, sections 71, 72, to Act July 1, 1898, c. 541.]

These sections, which add two new sections to Act July 1, 1898, c. 541,  
(682)

Comp. St. 1901, pp. 3418-3452, are set forth post, under this Title, at the end of chapter 7 of the original act so amended.

**Pending cases not affected.**

Sec. 19. That the provisions of this amendatory Act shall not apply to bankruptcy cases pending when this Act takes effect, but such cases shall be adjudicated and disposed of conformably to the provisions of the said Act of July first, eighteen hundred and ninety-eight.

Act Feb. 5, 1903, c. 487, § 19, 32 Stat. 801.

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## CHAPTER THREE.

### Bankrupts.

**ACT JULY 1, 1898, c. 541, §§ 3, 4, 14, 17.**

[Amended. Act Feb. 5, 1903, c. 487, §§ 3-5.]

These sections are amended by Act Feb. 5, 1903, c. 487, §§ 2-5, set forth below.

**ACT FEB. 5, 1903, c. 487, §§ 2-5.**

**Amendment of Act July 1, 1898, c. 541, § 3, cl. 4, subd. a; acts of bankruptcy.**

Sec. 2. That clause four, subdivision a, of section three of said Act, be, and the same is hereby, amended so as to read as follows:

"or (4) made a general assignment for the benefit of his creditors, or, being insolvent, applied for a receiver or trustee for his property or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States."

Act Feb. 5, 1903, c. 487, § 2, 32 Stat. 797.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 3, cl. 4, as set forth in Comp. St. 1901, p. 3422, so as to read as set forth here. The amendment consists in the addition of all matter after the words "for the benefit of his creditors."

**Amendment of Act July 1, 1898, c. 541, § 4, subd. b; who may become bankrupts.**

Sec. 3. That subdivision b of section four of said Act be, and the same is hereby, amended so as to read as follows:

"b Any natural person, except a wage-earner, or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits, owing debts to the amount of one thousand dollars or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this Act. Private bankers, but not national banks or banks incor-

porated under State or Territorial laws, may be adjudged involuntary bankrupts.

"The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

Act Feb. 5, 1903, c. 487, § 3, 32 Stat. 797.

This section is a part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 4, as set forth in Comp. St. 1901, p. 3423, so as to read as set forth here. The amendment consists in the addition of the last sentence, beginning, "The bankruptcy of a corporation," etc.

**Amendment of Act July 1, 1898, c. 541, § 14, subd. b; discharges, when granted.**

Sec. 4. That subdivision b of section fourteen of said Act be, and the same is hereby, amended so as to read as follows:

"b The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained property on credit from any person upon a materially false statement in writing made to such person for the purpose of obtaining such property on credit; or (4) at any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed any of his property with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of or to answer any material question approved by the court."

Act Feb. 5, 1903, c. 487, § 4, 32 Stat. 797.

This section is part of an act to amend the bankruptcy act of 1898, other sections of which are set forth or referred to ante under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 14, cl. b, as set forth in Comp. St. 1901, p. 3427, so as to read as set forth here. The amendment consists principally in the addition of the third, fourth, fifth, and sixth grounds for refusing a discharge.

**Amendment of Act July 1, 1898, c. 541, § 17.**

Sec. 5. That section seventeen of said Act be, and the same is hereby, amended so as to read as follows:

**Debts not affected by a discharge.**

"Sec. 17. Debts not Affected by a Discharge.—A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for obtaining property by false pretenses or false repre-



sentations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity."

Act Feb. 5, 1903, c. 487, § 5, 32 Stat. 798.

This section is part of an act to amend the bankruptcy act of 1898, other sections of which are set forth or referred to ante under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 17, as set forth in Comp. St. 1901, p. 3428, so as to read as set forth here. The amendment consists in a change in cl. 2 of the section.

## CHAPTER FOUR.

### Courts and Procedure Therein.

**ACT JULY 1, 1898, c. 541, §§ 18, 21, 23.**

[Amended. Act Feb. 5, 1903, c. 487, §§ 6-8.]

These sections are amended by Act Feb. 5, 1903, c. 487, §§ 6-8, set forth below.

**ACT FEB. 5, 1903, c. 487, §§ 6-8.**

**Amendment of Act July 1, 1898, c. 541, § 18, subds. a, b; process, pleadings, and adjudications.**

Sec. 6. That subdivisions a and b of section eighteen of said Act be, and the same are hereby, amended so as to read as follows:

"a Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpoena, shall be made upon the person therein named as defendant in the same manner that service of such process is now had upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within fifteen days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits to enforce a legal or equitable lien in courts of the United States, except that, unless the judge shall otherwise direct, the order shall be published not more than once a week for two consecutive weeks, and the return day shall be ten days after the last publication unless the judge shall for cause fix a longer time."

"b The bankrupt, or any creditor, may appear and plead to the petition within five days after the return day, or within such further time as the court may allow."

Act Feb. 5, 1903, c. 487, § 6, 32 Stat. 798.

This section is part of an act to amend the bankruptcy act of 1898, cit-

ed above, other sections of which are set forth or referred to ante under chapter 2 of this Title. It amends subdivisions "a" and "b" of Act July 1, 1898, c. 541, § 18, as set forth in Comp. St. 1901, p. 3429, so as to read as set forth here. The amendment consists in the substitution in subdivision "a" of the original section, for the words, "in equity in courts of the United States," of the words beginning, "to enforce a legal or equitable lien in courts of the United States," etc., to the end of that subdivision, as set forth here, and in changing the time within which the bankrupt or a creditor may appear and plead to the petition from within ten days from the return day to within five days therefrom.

**Amendment of Act July 1, 1898, c. 541, § 21, subd. a; evidence.**

Sec. 7. That subdivision a of section twenty-one of said Act be, and the same is hereby, amended so as to read as follows:

"a A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under this Act: Provided, That the wife may be examined only touching business transacted by her or to which she is a party, and to determine the fact whether she has transacted or been a party to any business of the bankrupt."

Act Feb. 5, 1903, c. 487, § 7, 32 Stat. 798.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante under chapter 2 of this Title. It amends subdivision "a" of Act July 1, 1898, c. 541, § 21, as set forth in Comp. St. 1901, p. 3430, so as to read as set forth here. The amendment consists principally in the insertion of the provision relating to the examination of the bankrupt and his wife.

**Amendment of Act July 1, 1898, c. 541, § 23, subd. b; jurisdiction of United States and State courts.**

Sec. 8. That subdivision b of section twenty-three of said Act be, and the same is hereby, amended so as to read as follows:

"b Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section sixty, subdivision b, and section sixty-seven, subdivision e."

Act Feb. 5, 1903, c. 487, § 8, 32 Stat. 798.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante under chapter 2 of this Title. It amends subdivision "b" of Act July 1, 1898, c. 541, § 23, as set forth in Comp. St. 1901, p. 3431, so as to read as set forth here. The amendment consists in the addition of the words, "except suits for the recovery of property under section 60, subdivision b, and section sixty-seven, subdivision e."

Section 60, subd. b, and section 67, subd. e, of the act of 1898, mentioned in this section, are set forth in Comp. St. 1901, pp. 3445, 3449.

## CHAPTER FIVE.

### Officers, Their Duties and Compensation.

**ACT JULY 1, 1898, c. 541, §§ 40, 47, 48.**

[Amended. Act Feb. 5, 1903, c. 487, §§ 9-11.]

These sections are amended by Act Feb. 5, 1903, c. 487, §§ 9-11, set forth below.

**ACT JULY 1, 1898, c. 541, § 51.**

#### Duties of clerks.

The clerks of the United States district courts are required to keep indexed bankruptcy records, by Act Feb. 5, 1903, c. 487, § 17, set forth post, under chapter 7 of this Title.

**ACT FEB. 5, 1903, c. 487, §§ 9-11.**

#### Amendment of Act July 1, 1898, c. 541, § 40, subd. a; compensation of referees.

Sec. 9. That subdivision a of section forty of said Act be, and the same is hereby, amended so as to read as follows:

"a Referees shall receive as full compensation for their services, payable after they are rendered, a fee of fifteen dollars deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and twenty-five cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them one per centum commissions on all moneys disbursed to creditors by the trustee, or one-half of one per centum on the amount to be paid to creditors upon the confirmation of a composition."

Act Feb. 5, 1903, c. 487, § 9, 32 Stat. 799.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends subdivision "a" of Act July 1, 1898, c. 541, § 40, set forth in Comp. St. 1901, p. 3436, so as to read as set forth here. The amendment consists principally in an increase of fees.

Referees are prohibited from receiving any further compensation than that allowed by the act, by section 72, added thereto by section 18 of this act, set forth post, under chapter 7 of this Title.

#### Amendment of Act July 1, 1898, c. 541, § 47; duties of trustees.

Sec. 10. That section forty-seven is hereby amended by adding thereto the following subdivision:

"c The trustee shall, within thirty days after the adjudication, file a certified copy of the decree of adjudication in the office where conveyances of real estate are recorded in every county where the bankrupt owns real estate not exempt from execution, and pay the fee for such filing, and he shall receive a compensation of fifty cents for each copy so filed, which, together with the filing fee, shall be paid out of

the estate of the bankrupt as a part of the cost and disbursements of the proceedings."

Act Feb. 5, 1903, c. 487, § 10, 32 Stat. 799.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 47, as set forth in Comp. St. 1901, p. 3438, by the addition of the subdivision set forth here.

**Amendment of Act July 1, 1898, c. 541, § 48, subd. a; compensation of trustees.**

Sec. 11. That subdivision a of section forty-eight of said Act be, and the same is hereby, amended so as to read as follows:

"a Trustees shall receive for their services, payable after they are rendered, a fee of five dollars deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which they have administered such commissions on all moneys disbursed by them as may be allowed by the courts, not to exceed six per centum on the first five hundred dollars or less, four per centum on moneys in excess of five hundred dollars and less than fifteen hundred dollars, two per centum on moneys in excess of fifteen hundred dollars and less than ten thousand dollars, and one per centum on moneys in excess of ten thousand dollars. And in case of the confirmation of a composition after the trustee has qualified the court may allow him, as compensation, not to exceed one-half of one per centum of the amount to be paid the creditors on such composition."

Act Feb. 5, 1903, c. 487, § 11, 32 Stat. 799.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 48, as set forth in Comp. St. 1901, p. 3439, so as to read as set forth here.

Trustees are prohibited from receiving any compensation other than that allowed by the act, by section 72, added thereto by section 18 of this act, set forth post, under chapter 7 of this Title.

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## CHAPTER SIX.

### Creditors.

**ACT JULY 1, 1898, c. 541, §§ 57, 60.**

[Amended. Act Feb. 5, 1903, c. 487, §§ 12, 13.]

These sections are amended by Act Feb. 5, 1903, c. 487, §§ 12, 13, set forth below.

**ACT FEB. 5, 1903, c. 487, §§ 12, 13.**

**Amendment of Act July 1, 1898, c. 541, § 57, subd. g; proof and allowance of claims.**

Sec. 12. That subdivision g of section fifty-seven of said Act be, and the same is hereby, amended so as to read as follows:

"g The claims of creditors who have received preferences, voidable under section sixty, subdivision b, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable under section sixty-seven, subdivision e, have been made or given, shall not be allowed unless such creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances."

Act Feb. 5, 1903, c. 487, § 12, 32 Stat. 799.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 57, subd. "g," as set forth in Comp. St. 1901, p. 8443, so as to read as set forth here.

**Amendment of Act July 1, 1898, c. 541, § 60, subds. a, b; preferred creditors.**

Sec. 13. That subdivisions a and b of section sixty of said Act be, and the same are hereby, amended so as to read as follows:

"a A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required."

"b If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

Act Feb. 5, 1903, c. 487, § 13, 32 Stat. 799.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 60, subd. "a" and "b," as set forth in Comp. St. 1901, p. 8445, so as to read as set forth here.

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## CHAPTER SEVEN.

### **Estates.**

**ACT JULY 1, 1898, c. 541, §§ 64, 65, 67, 70.**

[Amended. Act Feb. 5, 1903, c. 487, §§ 14-18.]

These sections are amended by Act Feb. 5, 1903, c. 487, §§ 14-18, set forth below.

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**ACT FEB. 5, 1903, c. 487, §§ 14-18.****Amendment of Act July 1, 1898, c. 541, § 64, cl. 2, subd. b; debts which have priority.**

Sec. 14. That clause two of subdivision b of section sixty-four of said Act be, and the same is hereby, amended so as to read as follows:

"(2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expenses of such recovery."

Act Feb. 5, 1903, c. 487, § 14, 32 Stat. 800.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 64, cl. 2, subd. b, as set forth in Comp. St. 1901, p. 3447, so as to read as set forth here. The amendment consists in the addition of all matter beginning with the words, "and, where property of the bankrupt," etc., to the end of the clause, as set forth here.

**Amendment of Act July 1, 1898, c. 541, § 65, subd. b; declaration and payment of dividends.**

Sec. 15. That subdivision b of section sixty-five be, and the same is hereby, amended so as to read as follows:

"The first dividend shall be declared within thirty days after the adjudication, if the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as have not been, but probably will be, allowed equals five per centum or more of such allowed claims. Dividends subsequent to the first shall be declared upon like terms as the first and as often as the amount shall equal ten per centum or more and upon closing the estate. Dividends may be declared oftener and in smaller proportions if the judge shall so order: Provided, That the first dividend shall not include more than fifty per centum of the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as probably will be allowed: And provided further, That the final dividend shall not be declared within three months after the first dividend shall be declared."

Act Feb. 5, 1903, c. 487, § 15, 32 Stat. 800.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 65, subd. b, as set forth in Comp. St. 1901, p. 3448, so as to read as set forth here. The amendment consists in the addition of all matter beginning with the words "Provided, That the first dividend," etc., to the end of the subdivision as set forth here.

**Amendment of Act July 1, 1898, c. 541, § 67, subd. e, and § 70, subd. e; liens; title to property.**

Sec. 16. That subdivision e of section sixty-seven and subdivision e of section seventy of said Act be, and the same are hereby, amended by adding at the end of each such subdivision the words:

"For the purpose of such recovery any court of bankruptcy as

hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

Act Feb. 5, 1903, c. 487, § 16, 32 Stat. 800.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title. It amends Act July 1, 1898, c. 541, § 67, subd. e, and § 70, subd. e, as set forth in Comp. St. 1901, pp. 3449, 3452, by the addition to each subdivision of the sentence set forth here.

See, also, note under Act Feb. 5, 1903, c. 487, § 8, ante, under chapter 4 of this Title.

**Amendment of Act July 1, 1898, c. 541; addition of new section 71.**

Sec. 17. That said Act is also amended by adding thereto a new section, section seventy-one, to read as follows:

**Bankruptcy records; duty of clerks to keep; inspection.**

"Sec. 71. That the clerks of the several district courts of the United States shall prepare and keep in their respective offices complete and convenient indexes of all petitions and discharges in bankruptcy heretofore or hereafter filed in the said courts, and shall, when requested so to do, issue certificates of search certifying as to whether or not any such petitions or discharges have been filed; and said clerks shall be entitled to receive for such certificates the same fees as now allowed by law for certificates as to judgments in said courts: Provided, That said bankruptcy indexes and dockets shall at all times be open to inspection and examination by all persons or corporations without any fee or charge therefor."

Act Feb. 5, 1903, c. 487, § 17, 32 Stat. 800.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth under the several chapters of this Title.

**Amendment of Act July 1, 1898, c. 541; addition of new section 72.**

Sec. 18. That said Act is also amended by adding thereto a new section as follows:

**Compensation of referees and trustees; restrictions.**

"Sec. 72. That neither the referee nor the trustee shall in any form or guise receive, nor shall the court allow them, any other or further compensation for their services than that expressly authorized and prescribed in this Act."

Act Feb. 5, 1903, c. 487, § 18, 32 Stat. 800.

This section is part of an act to amend the bankruptcy act of 1898, cited above, other sections of which are set forth or referred to ante, under chapter 2 of this Title.

# TITLE LXII.

## NATIONAL BANKS.

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### CHAPTER ONE.

#### Organization and Powers.

##### Sec. 5136.

**ACT JULY 12, 1882, c. 290, § 1.**

**Extension of period of corporate succession.**

The Comptroller of the Currency is authorized to extend, under the provisions of this act, for a further period of 20 years, the charter of any national banking association extended under the provisions of this act, by Act April 12, 1902, c. 503, set forth below.

**ACT APRIL 12, 1902, c. 503.**

An Act to Provide for the Extension of the Charters of National Banks. (32 Stat. 102.)

**Additional extension of period of corporate succession.**

Be it enacted, &c., That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the Act of July twelfth, eighteen hundred and eighty-two, to extend for a further period of twenty years the charter of any national banking association extended under said Act which shall desire to continue its existence after the expiration of its charter.

Act April 12, 1902, c. 503, 32 Stat. 102.

Act July 12, 1882, c. 290, mentioned in this act, is set forth in Comp. St. 1901, p. 8457.

##### Sec. 5146.

[Amended. Act Feb. 28, 1905, c. 1163.]

This section is amended by Act Feb. 28, 1905, c. 1163, to read as set forth below.

**ACT FEB. 28, 1905, c. 1163. [S. 7065.]**

An Act to Amend Section Fifty-One Hundred and Forty-Six of the Revised Statutes of the United States in Relation to the Qualifications of Directors of National Banking Associations. (33 Stat. 818.)

**Amendment of Rev St. § 5146.**

Be it enacted, &c., That section fifty-one hundred and forty-six of  
(692)



the Revised Statutes of the United States be so amended as to read as follows:

**Requisite qualifications of directors.**

"Sec. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office. Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed twenty-five thousand dollars, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

Act Feb. 28, 1905, c. 1163, 33 Stat. 818.

Rev. St. § 5146, amended by this act, is set forth in Comp. St. 1901, p. 8463. The amendment consists in the addition, at the end of the second sentence of the section as originally enacted, "Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director," of the words, "unless the capital of the bank shall not exceed twenty-five thousand dollars, in which case he must own in his own right at least five shares of such capital stock"; and in the insertion, in the last sentence, after the words, "Any director who ceases to be the owner of," instead of the word "ten," of the words "the required number of," as set forth here.

## CHAPTER THREE.

### Regulation of the Banking Business.

#### Sec. 5192.

**ACT MARCH 3, 1887, c. 378, § 1.**

[Amended. Act March 3, 1903, c. 1014.]

**Additional "reserve cities."**

This section is amended by Act March 3, 1903, c. 1014, set forth below.

**ACT MARCH 3, 1903, c. 1014.**

An Act to Amend Section One of an Act Entitled "An Act to Amend Sections Fifty-One Hundred and Ninety-One and Fifty-One Hundred and Ninety-Two of the Revised Statutes of the United States, and for Other Purposes." (32 Stat. 1223.)

**Amendment of Act March 3, 1887, c. 378, § 1.**

Be it enacted, &c., That section one of an Act entitled "An Act to amend sections fifty-one hundred and ninety-one and fifty-one hun-

dred and ninety-two of the Revised Statutes of the United States, and for other purposes," approved March third, eighteen hundred and eighty-seven, be, and the same is hereby, amended to read as follows:

**Additional "reserve cities" of 25,000 inhabitants.**

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of twenty-five thousand people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes."

**Act March 3, 1903, c. 1014, 32 Stat. 1223.**

The amendment by this act of March 3, 1887, c. 378, § 1, as set forth in Comp. St. 1901, p. 3490, consists in reducing the limit of population of cities which may become reserve cities from 50,000 to 25,000.

Rev. St. §§ 5191, 5192, 5195, mentioned in this act, are set forth in Comp. St. 1901, pp. 3486, 3487, 3492.

# TITLE LXIII.

## RIVERS AND HARBORS.

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### Sec. 5252.

#### **Water-gauges on the Mississippi River and tributaries.**

Provisions for the gauging of the waters of the Lower Mississippi River contained in Act Aug. 11, 1888, c. 860, § 6, 25 Stat. 424, are amended by Act June 13, 1902, c. 1079, § 9, set forth below.

#### **ACT JUNE 13, 1902, c. 1079, § 9.**

#### **Amendment of Act Aug. 11, 1888, c. 860, § 6; gauging the waters of the Mississippi River and tributaries; limit of annual expenditures.**

That section six of the river and harbor Act of August eleventh, eighteen hundred and eighty-eight, is hereby amended so as to read as follows: "That for the purpose of securing the uninterrupted gauging of the waters of the Mississippi River and its tributaries, as provided for in joint resolution of the twenty-first of February, eighteen hundred and seventy-one, upon the application of the Chief of Engineers, the Secretary of War is hereby authorized to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of nine thousand six hundred dollars: Provided, however, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers."

Act June 13, 1902, c. 1079, § 9, 32 Stat. 374.

This section is part of the river and harbor appropriation act cited above.

Act Aug. 11, 1888, c. 860, § 6, 25 Stat. 424, mentioned in this section and amended thereby, provided for the gauging of the waters of the Lower Mississippi and tributaries, and limited the cost for each year to the amount appropriated in the act for such purpose. It is amended by Act June 13, 1902, c. 1079, § 9, cited above, to read as set forth here.

Res. Feb. 21, 1871, No. 40, mentioned in this section, incorporated into Rev. St. § 5252, set forth in Comp. St. 1901, p. 3522, provides for water gauges on the Mississippi River and tributaries, and limits the cost thereof to \$5,000 a year.

### Sec. 5253.

#### **Employment of civil engineers on western and northwestern rivers.**

Provisions for the appointment of a board of 5 engineer officers who shall perform the duties prescribed by the Chief of Engineers, and consider the reports on examinations and surveys for river and harbor improvements are contained in Act June 13, 1902, c. 1079, § 3, set forth below.

**ACT JUNE 13, 1902, c. 1079, § 3.**

**Board of engineer officers; appointment; duties; reports; authority to rent quarters and employ civil employes.**

Sec. 3. That there shall be organized in the Office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have heretofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate, in the same manner to examine and report through the Chief of Engineers upon any projects heretofore adopted by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same or upon any modifications thereof which may be deemed desirable.

The board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the board shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the board pertain.

Act June 13, 1902, c. 1079, § 3, 32 Stat. 872.

This section is part of the river and harbor appropriation act cited above.

Provisions for the employment of civil engineers on western and north-

western rivers are contained in Rev. St. § 5258, set forth in Comp. St. 1901, p. 3523.

Provisions creating the Corps of Engineers are contained in Act Feb. 2, 1901, c. 192, § 1, Comp. St. 1901, p. 784. Provisions for the appointment of the Chief of Engineers are contained in Rev. St. § 1193, Comp. St. 1901, p. 844.

## Sec. 5255.

**ACT AUG. 18, 1894, c. 299, § 4.**

[Amended. Act June 13, 1902, c. 1079, § 11.]

The provisions of Act Aug. 18, 1894, c. 299, § 4, set forth in Comp. St. 1901, p. 3525, are amended by Act June 13, 1902, c. 1079, § 11, set forth below. Provisions for the enforcement of the regulations prescribed by the Secretary of War are contained in section 6 of said act, also set forth below.

**ACT JUNE 13, 1902, c. 1079, §§ 6, 11.**

### **Manner of enforcing regulations of use of navigable waters.**

Sec. 6. That any regulations heretofore or hereafter prescribed by the Secretary of War in pursuance of the fourth and fifth sections of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, and any regulations hereafter prescribed in pursuance of the aforesaid section four as amended by section eleven of this Act, may be enforced as provided in section seventeen of the river and harbor Act of March third, eighteen hundred and ninety-nine, the provisions whereof are hereby made applicable to the said regulations.

Act June 13, 1902, c. 1079, § 6, 32 Stat. 374.

This section is part of the river and harbor appropriation act, cited above.

Act Aug. 18, 1894, c. 299, § 4, mentioned in this section, set forth in Comp. St. 1901, p. 3525, authorizes the Secretary of War to make regulations for the use of canals, and prescribes a penalty for a violation thereof.

Act Aug. 18, 1894, c. 299, § 5, also mentioned in this section, set forth in Comp. St. 1901, p. 3538, authorizes the Secretary of War to prescribe regulations for drawbridges over navigable waters, and prescribes a penalty for a violation thereof.

Act March 3, 1899, c. 425, § 17, also mentioned in this section, set forth in Comp. St. 1901, p. 3544, prescribes the duties of the Department of Justice in enforcing regulations relating to navigable waters, authorized by several sections of said act, also set forth in Comp. St. 1901, pp. 3540-3547.

Section 11 of this act, also mentioned in this section, is set forth below.

**Amendment of Act Aug. 18, 1894, c. 299, § 4.**

Sec. 11. That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, be, and is hereby amended so as to read as follows:

### **Regulations of use of canals authorized; violation of rules; penalty.**

"Sec. 4. That it shall be the duty of the Secretary of War to prescribe such rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation that now are, or that hereafter may be, owned, operated, or maintained by

the United States as in his judgment the public necessity may require, and he is also authorized to prescribe regulations to govern the speed and movement of vessels and other water craft in any public navigable channel which has been improved under authority of Congress, whenever, in his judgment, such regulations are necessary to protect such improved channels from injury, or to prevent interference with the operations of the United States in improving navigable waters or injury to any plant that may be employed in such operations. Such rules and regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such rules and regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

Act June 13, 1902, c. 1079, § 11, 32 Stat. 374.

This section is part of the river and harbor appropriation act, cited above.

Act Aug. 18, 1894, c. 299, § 4, mentioned in this section and amended thereby, is set forth in Comp. St. 1901, p. 3525.

Provisions for the enforcement of the regulations are contained in section 6 of said act set forth above.

#### [IMPROVEMENT OF RIVERS AND HARBORS.]

##### **ACT APRIL 24, 1888, c. 194.**

###### **Condemnation of land for river and harbor improvements; purchase; donations.**

Provisions authorizing the sale of land or other property acquired for the improvement of rivers and harbors when no longer needed are contained in Act June 13, 1902, c. 1079, § 5, set forth below.

##### **ACT SEPT. 19, 1890, c. 907, § 2.**

###### **Contracts for river and harbor improvements.**

Provisions authorizing the Secretary of War to complete all works of improvement by contract or otherwise are contained in Act June 13, 1902, c. 1079, § 1, set forth below.

##### **ACT JUNE 13, 1902, c. 1079, §§ 1, 4, 5.**

###### **Navigable river improvements by private parties; approval of plans.**

Any person or persons, corporations, municipal or private, who desire to improve any navigable river, or any part thereof, at their or its own expense and risk may do so upon the approval of the plans and specifications of said proposed improvement by the Secretary of War and Chief of Engineers of the Army. The plan of said improvement must conform with the general plan of the Government improvements, must not impede navigation, and no toll shall be

imposed on account thereof, and said improvement shall at all times be under the control and supervision of the Secretary of War and Chief of Engineers.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 371.

These are provisions following an appropriation for emergencies in the river and harbor appropriation act, cited above.

Provisions for the construction of bridges, dams, etc., over navigable rivers, and for the erection of piers, etc., are contained in Act March 3, 1899, c. 425, §§ 9, 10, set forth in Comp. St. 1901, pp. 3540, 3541.

**Work done by contract or otherwise.**

All works of improvement heretofore or herein authorized to be prosecuted or completed under contracts may, in the discretion of the Secretary of War, be carried on by contract or otherwise, as may be most economical or advantageous to the Government.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 371.

This is a further provision of section 1 of the river and harbor appropriation act, cited above.

Provisions for contracts for river and harbor improvements are contained in Act Sept. 19, 1890, c. 907, § 2, set forth in Comp. St. 1901, p. 3527.

**International commission for investigation of waters adjacent to Canada and the United States; report on advisability of dam at outlet of Lake Erie; United States members; appointment; qualifications; assistants; compensation and expenses.**

Sec. 4. That the President of the United States is hereby requested to invite the Government of Great Britain to join in the formation of an international commission, to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all of the waters of the lakes and rivers whose natural outlet is by the River Saint Lawrence to the Atlantic Ocean; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon, and upon the interests of navigation, by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of navigation in said waters. The said commissioners shall report upon the advisability of locating a dam at the outlet of Lake Erie, with a view to determining whether such dam will benefit navigation, and if such structure is deemed advisable, shall make recommendations to their respective Governments looking to an agreement or treaty which shall provide for the construction of the same, and they shall make an estimate of the probable cost thereof. The President, in selecting the three members of said Commission who shall represent the United States, is authorized to appoint one officer of the Corps of Engineers of the United States Army, one civil engineer well versed in the hydraulics of the Great Lakes, and one lawyer of experience in questions of international and

riparian law, and said Commission shall be authorized to employ such persons as it may deem needful in the performance of the duties hereby imposed; and for the purpose of paying the expenses and salaries of said Commission the Secretary of War is authorized to expend from the amounts heretofore appropriated for the Saint Marys River at the Falls, the sum of twenty thousand dollars, or so much thereof as may be necessary to pay that portion of the expenses of said Commission chargeable to the United States.

Act June 18, 1902, c. 1079, § 4, 32 Stat. 373.

This section is part of the river and harbor appropriation act cited above.

Provisions authorizing the commission to recommend regulations of the canal and works diverting water from the Saint Marys River are contained in section 1 of this act, set forth post under this Title, subchapter "Preservation and Protection of Rivers and Harbors and of Improvements." Provisions contained in section 1, 32 Stat. 362, of said act, make appropriations of the unexpended balances remaining from appropriations for Saint Mary's River, not exceeding \$20,000, to pay the salaries and expenses of the commission.

The consent of the United States to the construction of a dam across the St. Lawrence River, with a view of improving the navigation of a channel excavated through the rapids at the head of Les Galops Island, in that river, is given by Act June 18, 1902, c. 1123, ante, under Title XLVII, "Foreign Relations."

**Sale of property acquired for river and harbor improvements authorized.**

Sec. 5. That when any land or other property which has been heretofore or may be hereafter purchased or acquired for the improvement of rivers and harbors is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct, and the proceeds credited to the appropriation for the work for which it was purchased or acquired; and the Secretary of War may direct the transfer of any property employed in river and harbor works, and in such event the property so transferred shall be valued and credited to the project upon which it was theretofore used and charged to the project to which it shall be transferred. The Secretary may also direct a temporary transfer of any property employed in the improvement of rivers and harbors whenever, in his judgment, such transfer would secure efficient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable.

Act June 18, 1902, c. 1079, § 5, 32 Stat. 373.

This section is part of the river and harbor appropriation act, cited above.

Provisions authorizing the condemnation of land for river and harbor improvements are contained in Act April 24, 1888, c. 194, set forth in Comp. St. 1901, p. 3525.

**ACT JUNE 28, 1902, c. 1299.**

An Act to Amend an Act Entitled "An Act Making Appropriations for the Construction, Repair, and Preservation of Certain Public Works on Rivers and Harbors, and for Other Purposes,"



Approved June Thirteenth, Nineteen Hundred and Two. (32 Stat. 408.)

**The Cumberland River; erection of lock and dam; leases of water power authorized; permits for construction of canals, etc.**

Be it enacted, &c., That the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June thirteenth, nineteen hundred and two, be, and the same is hereby, amended so that the two paragraphs thereof providing for the improvement of the Cumberland River, Tennessee, below Nashville, and of the Cumberland River, Tennessee, above Nashville, shall read as follows:

"Improving Cumberland River, Tennessee, below Nashville: For the completion of the lock and dam at Harpeth Shoals and for maintenance, \* \*

"Improving Cumberland River, Tennessee, above Nashville: Continuing improvement, and for maintenance, \* \* of which so much as may be necessary shall be used for the completion of Lock and Dam Numbered One. And the Secretary of War is hereby authorized, in his discretion, to grant leases or licenses to the highest responsible bidder for the use of the water power created by said dam at such a rate and on such conditions and for such periods of time as may seem to him expedient; and he is also authorized, in his discretion, to issue permits for the construction, maintenance, and operation of inlet and outlet canals and other structures, on such plans as he may approve, for the diversion of the water aforesaid: Provided, That any lease or license so granted shall be limited to the use of the surplus water not required for navigation, and no structures shall be built and no operations be conducted which shall in any manner injure navigation, interfere with the operations of the Government, or impair the usefulness of any improvement made by the Government for the benefit of navigation; and the right of Congress to alter, amend, or repeal the provisions of this paragraph is hereby expressly reserved: Provided further, That before leasing or licensing such water privileges, or issuing permits for the construction and operation of such canals, or otherwise disposing of any water power or privilege, the Secretary of War shall first advertise the same in one or more daily papers at Nashville, for sixty days immediately preceding, stating specifically the right or privilege proposed to be leased or conveyed, with its exact limitations, inviting bids for the same, and he may, in his discretion, then lease the same for a specific term of years at so much per year, to be paid semiannually in cash into the Treasury, and the Secretary of War shall reserve the right to reject any or all bids.

Act June 28, 1902, c. 1299, 32 Stat. 408.

The provisions of Act June 13, 1902, c. 1079, § 1, 32 Stat. 358, mentioned in this act, as originally enacted, appropriated a certain sum for continuing the improvement of the Cumberland River below Nashville, and of which sum so much as might be necessary should be used for the completion of lock and dam No. 1, and also made an appropriation for the completion and maintenance of said lock and dam. They are amended by Act June 28, 1902, c. 1299, cited above, to read as set forth here.

## [MISSISSIPPI AND MISSOURI RIVER COMMISSIONS.]

**ACT JULY 5, 1884, c. 229, § 1.**

[Repealed. Act June 13, 1902, c. 1079.]

The provisions creating the Missouri River Commission contained in Act July 5, 1884, c. 229, § 1, set forth in Comp. St. 1901, p. 3530, are repealed by Act June 13, 1902, c. 1079, set forth below.

**ACT JUNE 13, 1902, c. 1079.**

**Repeal in part of Act July 5, 1884, c. 229, § 1; Missouri River Commission abolished; report of commission; transfer of property to Secretary of War; improvements under control of Secretary of War.**

So much of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July fifth, eighteen hundred and eighty-four, as provides for the creation of a commission to be called the Missouri River Commission, and prescribes the manner of appointment, the compensation, the powers, the duties, the expenditures, and the reports thereof, be, and the same is hereby, repealed, said repeal to take effect from and after June thirtieth, nineteen hundred and two. And said Commission shall prepare and submit through the Chief of Engineers to the Secretary of War, to be by him transmitted to Congress, a full and detailed report of all their proceedings and actions since the date of their last report, and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them, and shall on said thirtieth day of June, nineteen hundred and two, transfer to and place under the control of the Secretary of War, or such engineer officers as he may designate, all such vessels, barges, machinery, and instruments, and such other plant or property as pertains to the improvement of the Missouri River at and below Sioux City, or of the Gasconade and Osage rivers, in the State of Missouri. And the Secretary of War shall, after said thirtieth day of June, nineteen hundred and two, superintend and control all property theretofore under the control of said Commission, and all works theretofore under their supervision, and shall expend for the purposes for which they were appropriated all appropriations made herein, and all unexpended balances of appropriations heretofore made for the improvement of said rivers, which shall remain on hand on the said thirtieth day of June, nineteen hundred and two, and all appropriations which may hereafter be made for said rivers, or so much thereof as may be necessary.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 367.

These are provisions following an appropriation for improving the Missouri River, contained in the river and harbor appropriation act cited above.

Act July 5, 1884, c. 229, § 1, mentioned in this section, set forth in

Comp. St. 1901, p. 3530, created the Missouri River Commission, and prescribed its powers and duties, etc.

[PRESERVATION AND PROTECTION OF RIVERS AND HARBORS, AND  
OF IMPROVEMENTS.]

**ACT JUNE 29, 1888, c. 496.** [*As amended 1894.*]

**Depositing refuse in New York harbor prohibited; penalty.**

The provisions of this act set forth in Comp. St. 1901, p. 3533, are expressly declared not to be affected by the repeal of laws inconsistent with the provisions of Act March 3, 1899, c. 425, §§ 9-20, set forth in Comp. St. 1901, pp. 3540-3547, containing provisions relating to obstructions in navigable waters, by Act June 13, 1902, c. 1079, § 12, set forth below.

**ACT AUG. 11, 1888, c. 860, § 2.**

**Deflection of currents by piers, etc.; complaints; investigations; Liability.**

Provisions authorizing the diversion of the water of Saint Marys River are contained in Act June 13, 1902, c. 1079, § 1, set forth below.

Provisions authorizing the leasing of water power in the Cumberland River and the construction of canals, with the limitations that the same shall not interfere with the operations of the government or impair the usefulness of any improvement made by the government, are contained in Act June 28, 1902, c. 1299, set forth ante under this Title, subchapter "Improvement of Rivers and Harbors."

**ACT AUG. 18, 1894, c. 299, § 5.**

**Regulations for drawbridges over navigable waters; violation of rules; penalty.**

Provisions for the enforcement of the regulations for drawbridges authorized by this section set forth in Comp. St. 1901, p. 3538, in the manner prescribed by Act March 3, 1899, c. 425, § 17, set forth in Comp. St. 1901, p. 3544, are contained in Act June 13, 1902, c. 1079, § 6, set forth ante, under this Title.

**ACT MARCH 3, 1899, c. 425, §§ 9, 13, 16, 17, 20.**

**Authorization of construction of bridges, etc., over navigable waters; approval of plans.**

The provisions of section 9 of this act, set forth in Comp. St. 1901, p. 3540, are made applicable to the Illinois and Mississippi Canal by Act June 13, 1902, c. 1079, § 10, set forth below.

Provisions for navigable river improvements by persons or corporations in conformity to plans approved by the Secretary of War are contained in Act June 13, 1902, c. 1079, § 1, set forth ante, under this Title, subchapter "Improvement of Rivers and Harbors."

**Depositing refuse in navigable waters prohibited.**

Regulations to govern the transportation and dumping in navigable waters of dredgings, etc., and other refuse materials, the depositing of which in such waters is prohibited by section 13 of this act, set forth in Comp. St. 1901, p. 3542, are authorized, and violation thereof is made a misdemeanor, subject to the penalties prescribed for violation of said section 13, by section 16 of this act, Comp. St. 1901, p. 3544, by Act March 3, 1905, c. 1482, § 4, set forth below.

**Penalty for violation of act.**

The penalties prescribed by section 16 of this act, set forth in Comp.

St. 1901, p. 3544, for violation of the provisions of section 13 of the act, Comp. St. 1901, p. 3542, are made applicable to violations of regulations authorized to be made to govern the transportation and dumping in navigable waters of dredgings, etc., and other refuse materials, by Act March 3, 1905, c. 1482, § 4, set forth below.

**Duty of district attorneys; officers empowered to arrest offenders.**

Provisions for the enforcement of regulations prescribed by the Secretary of War for the use of canals, authorized by Act Aug. 18, 1894, c. 299, § 4, set forth in Comp. St. 1901, p. 3525, and by Act June 13, 1902, c. 1079, § 11, set forth ante under this Title, and the regulations for drawbridges authorized by Act Aug. 18, 1894, c. 299, § 5, set forth in Comp. St. 1901, p. 3538, in the manner prescribed by section 17 of this act, set forth in Comp. St. 1901, p. 3544, are contained in Act June 13, 1902, c. 1079, § 6, set forth ante, under this Title.

Regulations to govern the transportation and dumping in navigable waters of dredgings, etc., and other refuse materials, authorized by Act March 3, 1905, c. 1482, § 4, set forth below, may be enforced as provided in section 17 of this act, the provisions whereof are made applicable to said regulations, by a proviso contained in said section 4 of Act March 3, 1905, c. 1482.

**Destruction of vessels grounding, etc., specially endangering navigation; expense of removal; reimbursement; appropriation; repeal.**

The provisions of section 20 of this act, set forth in Comp. St. 1901, p. 3547, are amended by Act June 13, 1902, c. 1079, § 12, set forth below.

**ACT JUNE 13, 1902, c. 1079, §§ 1, 10, 12.**

**Diversion of water of Saint Marys River authorized; preservation of level of Lake Superior.**

Subject to the express precedent conditions hereinafter mentioned, the Michigan Lake Superior Power Company, of Sault Sainte Marie, Michigan, its successors and assigns, after first obtaining consent of the Secretary of War and the Chief of Engineers and their approval of the said canal and remedial works proposed, is hereby authorized to divert water from the Saint Marys River into its water-power canal now being constructed at Sault Sainte Marie, Michigan, for water-power purposes while and so long as such works and diversion of water from said river shall not injuriously affect navigation therein, nor impair or diminish the water levels or any natural increase thereof either in Lake Superior or in the United States ship canal and locks or the navigable channels, locks, or ship canals connected therewith, whether natural or artificial, now existing or which may hereafter be established or created by the United States for navigation purposes. And conditioned further, that said company shall establish, maintain and operate suitable and sufficient remedial and controlling works in the rapids of said river, to the approval of the Secretary of War and the Chief of Engineers; and said company shall maintain and operate said canal and works in accordance with any rules and regulations that may hereafter be recommended by any International Commission and that shall become operative. Whenever, in the judgment of the Secretary of War, the operation of said canal and remedial and controlling works, or either of them, either in themselves or in conjunction with any other canal or canals in the United States or Canada which now or hereafter may exist, is injuriously affecting water

levels or the navigation of Lake Superior, the River Saint Marys or other channels, locks or ship canals connected therewith as hereinbefore provided, he shall impose upon said Company such rules and regulations for the operation of said canal and remedial works, as may, in his opinion, be necessary to prevent such injury. It shall become his duty, and he shall have the authority to enter upon the property of said Company and to close said canal in whole or in part to the extent necessary to maintain water levels and to require said Company, at its own expense, to remove, add to or modify said works or any part thereof to the extent necessary to maintain water levels. Neither the Secretary of War nor the Chief of Engineers or any officer or other person acting under direction of them or either of them, shall be in any way liable by reason of anything done in the execution of this provision.

All remedies herein provided however, shall be cumulative and shall be without prejudice to any other remedies either of the United States or of individuals for failure of said Company to maintain said levels for navigation purposes as herein provided.

Nothing herein contained shall be held to affect any existing riparian or other rights of any person or corporation, or the existing remedies therefor, or any action at law or equity now pending. The right is hereby expressly reserved to Congress to alter, amend or repeal the provisions contained in this paragraph.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 361.

These are provisions following an appropriation for improvements of the Saint Marys River in section 1 of the river and harbor appropriation act cited above.

Provisions for the appointment of an international commission are contained in section 4 of said act set forth ante, under this Title, subchapter "Improvement of Rivers and Harbors."

**Construction of bridges over Illinois and Mississippi Canal; approval of plans; right of way, etc.**

Sec. 10. That the provisions of section nine of the river and harbor Act of March third, eighteen hundred and ninety-nine, are hereby made applicable alike to the completed and uncompleted portions of the Illinois and Mississippi Canal. Whenever the Secretary of War shall approve plans for a bridge to be built across said canal he may, in his discretion, and subject to such terms and conditions as in his judgment are equitable, expedient, and just to the public, grant to the person or corporation building and owning such bridge a right of way across the lands of the United States on either side of and adjacent to the said canal; also the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of the bridge structure and approaches.

Act June 13, 1902, c. 1079, § 10, 32 Stat. 374.

This section is part of the river and harbor appropriation act, cited above.

Act March 3, 1899, c. 425, § 9, mentioned in this section, set forth in Comp. St. 1901, p. 3540, contains provisions for the construction of bridges, etc., over navigable waters.

**Repeal of laws inconsistent with Act March 3, 1899, c. 425, §§ 9-20, not to repeal law prohibiting injurious deposits in New York Harbor.**

Sec. 12. That the last paragraph of section twenty of the river and harbor Act of March third, eighteen hundred and ninety-nine, is hereby amended to read as follows:

"That all laws or parts of laws inconsistent with the foregoing sections nine to twenty, inclusive, of this Act are hereby repealed: Provided, That no action begun or right of action accrued prior to the passage of this Act shall be affected by this repeal: Provided further, That nothing contained in the said foregoing sections shall be construed as repealing, modifying, or in any manner affecting the provisions of an Act of Congress approved June twenty-ninth, eighteen hundred and eighty-eight, entitled 'An Act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses,' as amended by section three of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four."

Act June 13, 1902, c. 1079, § 12, 32 Stat. 375.

This section is part of the river and harbor appropriation act cited above.

Act March 3, 1899, c. 425, § 20, mentioned in this section and amended thereby, is set forth in Comp. St. 1901, p. 3547.

Act June 29, 1888, c. 496, mentioned in this section, as amended by Act Aug. 18, 1894, c. 299, § 3, also mentioned in this section, set forth in Comp. St. 1901, p. 3533, prohibits injurious deposits within New York Harbor.

**ACT MARCH 3, 1905, c. 1482, § 4. [H. R. 18809.]**

**Regulations governing transportation and dumping into navigable waters, of dredgings, etc., and other refuse, authorized; violations of regulations made punishable; enforcement of regulations; exception of waters within any State used for cultivation of oysters.**

That the Secretary of War is hereby authorized and empowered to prescribe regulations to govern the transportation and dumping into any navigable water, or waters adjacent thereto, of dredgings, earth, garbage, and other refuse materials of every kind or description, whenever in his judgment such regulations are required in the interest of navigation. Such regulations shall be posted in conspicuous and appropriate places for the information of the public; and every person or corporation which shall violate the said regulations, or any of them, shall be deemed guilty of a misdemeanor and shall be subject to the penalties prescribed in section sixteen of the river and harbor Act of March third, eighteen hundred and ninety-nine, for violation of the provisions of section thirteen of the said Act: Provided, That any regulations made in pursuance hereof may be enforced as provided in section seventeen of the aforesaid Act of March third, eighteen hundred and ninety-nine, the provisions whereof are hereby made applicable to the said regulations: Provided further, That this section shall not apply to any waters within the jurisdictional boundaries of any State which are now or may hereafter be used for the cultivation of oysters under the laws of such State, except navigable

channels which have been or may hereafter be improved by the United States, or to be designated as navigable channels by competent authority, and in making such improvements of channels, the material dredged shall not be deposited upon any ground in use in accordance with the laws of such State for the cultivation of oysters, except in compliance with said laws: And provided further, That any expense necessary in executing this section may be paid from funds available for the improvement of the harbor or waterway, for which regulations may be prescribed, and in case no such funds are available the said expense may be paid from appropriations made by Congress for examinations, surveys, and contingencies of rivers and harbors.

Act March 3, 1905, c. 1482, § 4, 33 Stat. 1147.

Sections 13, 16, and 17 of Act March 3, 1899, c. 425, mentioned in this section, are set forth in Comp. St. 1901, pp. 3542, 3544.

#### [ISTHMIAN CANAL.]

#### **ACT JUNE 28, 1902, c. 1302.**

An Act to Provide for the Construction of a Canal Connecting the Waters of the Atlantic and Pacific Oceans. (32 Stat. 481.)

**Isthmian canal; purchase of rights, etc., of New Panama Canal Company, including the capital stock of the Panama Railway Company, authorized.**

Be it enacted, &c., That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding forty millions of dollars, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than sixty-eight thousand eight hundred and sixty-three shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained.

Act June 28, 1902, c. 1302, § 1, 32 Stat. 481.

**Acquisition of right of way, etc.; jurisdiction over right of way and ports; additional territory.**

Sec. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than six miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall

have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

Act June 28, 1902, c. 1302, § 2, 32 Stat. 481.

On the acquisition of the property of the New Panama Canal Company, and the payment to the Republic of Panama of the sum provided by the treaty between the United States and that Republic, by which the use, etc., of the zone of land described in this section was granted by said Republic to the United States in perpetuity, the President was authorized to take possession of and occupy said zone, designated as "the Canal Zone," and, temporarily, the powers necessary for the government of said Canal Zone, and the rights, powers, and authority granted by said treaty, are to be vested and exercised as the President shall direct, by Act April 28, 1904, c. 1758, set forth below.

**Appropriation for property of canal company and for right of way; construction of canal authorized; capacity of canal; harbors; defense; employes; compensation.**

Sec. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section one hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section two hereof, he is authorized to pay for the property of the New Panama Canal Company forty millions of dollars and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall then through the Isthmian Canal Commission hereinafter authorized cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

Act June 28, 1902, c. 1302, § 3, 32 Stat. 482.

The payment of \$10,000,000, provided by article 14 of the treaty between the United States and the Republic of Panama, is to be in lieu of the indefinite appropriation made in this section, by a provision of Act April 28, 1904, c. 1758, § 1, set forth below.



**Alternative route on failure to obtain title to property of canal company or to obtain rights from Colombia; concessions to be obtained from Costa Rica and Nicaragua; construction of Nicaragua Canal authorized.**

Sec. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections one and two of this Act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall through the said Isthmian Canal Commission cause to be excavated and constructed a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean. Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall cause the said Isthmian Canal Commission to make such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

Act June 28, 1902, c. 1302, § 4, 32 Stat. 482.

**Preliminary appropriation; contracts authorized; limit of expenditures for either route.**

Sec. 5. That the sum of ten million dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the

provisions of this Act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of one hundred and thirty-five millions of dollars should the Panama route be adopted, or one hundred and eighty millions of dollars should the Nicaragua route be adopted.

Act June 28, 1902, c. 1302, § 5, 32 Stat. 483.

**Guarantee of use of canal and harbors to country ceding rights.**

Sec. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

Act June 28, 1902, c. 1302, § 6, 32 Stat. 483.

**Isthmian Canal Commission; appointment; qualifications; compensation; engineers; compensation; duties; reports; offices.**

Sec. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this Act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this Act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this Act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at

any time be required either by Act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

Act June 28, 1902, c. 1302, § 7, 32 Stat. 483.

The accounts for the Commission are to be audited by the Auditor for the War Department, by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth ante, under Title VII, "The Department of the Treasury," c. 4.

**Issuance of bonds to defray expenses authorized; denominations of bonds; interest; exemption from taxation.**

Sec. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this Act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of one hundred and thirty million dollars, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of twenty dollars or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of two per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: Provided, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Act June 28, 1902, c. 1302, § 8, 32 Stat. 484.

**ACT APRIL 28, 1904, c. 1758. [S. 5342.]**

An Act to Provide for the Temporary Government of the Canal Zone at Panama, the Protection of the Canal Works, and for Other Purposes. (33 Stat. 429.)

**Possession and occupation of Canal Zone; payment to Panama.**

Be it enacted, &c., That the President is hereby authorized, upon the acquisition of the property of the New Panama Canal Company and the payment to the Republic of Panama of the ten millions of dollars provided by article fourteen of the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, to be paid to the latter Government, to take possession of and occupy on behalf of the United States the zone of land and

land under water of the width of ten miles, extending to the distance of five miles on each side of the center line of the route of the canal to be constructed thereon, which said zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, and also of all islands within said zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and, from time to time, of any lands and waters outside of said zone which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise, the use, occupation, and control whereof were granted to the United States by article two of said treaty. The said zone is hereinafter referred to as "the Canal Zone." The payment of the ten millions of dollars provided by article fourteen of said treaty shall be made in lieu of the indefinite appropriation made in the third section of the Act of June twenty-eighth, nineteen hundred and two, and is hereby appropriated for said purpose.

Act April 28, 1904, c. 1758, § 1, 33 Stat. 429.

Act June 28, 1902, c. 1302, § 3, mentioned in this section, is set forth above.

**Temporary government of Canal Zone, and exercise of rights, powers, and authority granted by treaty with Panama.**

Sec. 2. That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers as well as the power to make all rules and regulations necessary for the government of the Canal Zone and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

Act April 28, 1904, c. 1758, § 2, 33 Stat. 429.

# TITLE LXIV.

## RAILWAYS.

### Sec. 5260.

**ACT JUNE 30, 1882, c. 254, § 1.**

**Payment for Army transportation services to certain railroads.**

The Army appropriation acts for recent fiscal years contain provisions similar to those of Act June 30, 1882, c. 254, § 1, set forth in Comp. St. 1901, p. 3574, relating to payment for army transportation to land-grant railroads, which are as follows:

"For the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: Provided, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: Provided further, That in expending the money appropriated by this Act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service."

The provisions for the fiscal year ending June 30, 1906, are by Act March 2, 1905, c. 1307, 33 Stat. 837.

# TITLE LXVI.

## EXTRADITION.

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**Secs. 5270-5277.** [*As amended 1900.*]

**Fugitives from the justice of a foreign country, [or a country under the control of the United States.]**

The provisions of Rev. St. §§ 5270-5277, set forth in Comp. St. 1901. pp. 3591-3597, as amended by Act Aug. 3, 1882, c. 378, set forth in Comp. St. 1901, pp. 3593, 3594, are to apply, so far as applicable, to the Philippine Islands, by Act Feb. 6, 1903, c. 454, set forth below.

Fees and costs in extradition cases are to be paid out of the appropriation for the expense of the judiciary, and the Attorney-General is required to certify to the Secretary of State the amounts to be paid to the United States on account of such fees and costs by the foreign government requesting the extradition, and the Secretary of State is required to cause such amounts to be collected and transmitted to the Attorney-General for deposit in the Treasury, by a proviso in Act June 28, 1902, c. 1301, § 1, set forth below.

**ACT JUNE 28, 1902, c. 1301, § 1.**

**Fees and costs in extradition cases, how paid; duties of Attorney-General and Secretary of State.**

\* \* That from and after June thirtieth, nineteen hundred and three, all the fees and costs in extradition cases shall be paid out of the appropriations to defray the expenses of the judiciary, and the Attorney-General shall certify to the Secretary of State the amounts to be paid to the United States on account of said fees and costs in extradition cases by the foreign government requesting the extradition, and the Secretary of State shall cause said amounts to be collected and transmitted to the Attorney-General for deposit in the Treasury of the United States.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 475.

This is a proviso annexed to an appropriation for salaries, etc., of marshals in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

Other provisions for the payment of fees and costs are contained in Act Aug. 3, 1882, c. 378, § 4, Comp. St. 1901, p. 3595.

**ACT FEB. 6, 1905, c. 454.** [H. R. 17646.]

An Act to Extend Certain Provisions of the Revised Statutes of the United States to the Philippine Islands. (33 Stat. 698.)

**Delivery of fugitives from justice, as between foreign country and Philippine Islands.**

Be it enacted, &c., That the provisions of sections fifty-two hun-

dred and seventy, fifty-two hundred and seventy-one, fifty-two hundred and seventy-two, fifty-two hundred and seventy-three, fifty-two hundred and seventy-four, fifty-two hundred and seventy-five, fifty-two hundred and seventy-six, and fifty-two hundred and seventy-seven of the Revised Statutes (as amended by the Act approved August third, eighteen hundred and eighty-two), so far as applicable, shall apply to the Philippine Islands for the arrest and removal therefrom of any fugitives from justice charged with the commission within the jurisdiction of any foreign government of any of the crimes provided for by treaty between the United States and such foreign nation, and for the delivery by a foreign government of any person accused of crime committed within the jurisdiction of the Philippine Islands. Such fugitive from justice of a foreign country may, upon warrant duly issued by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such judge or magistrate, who shall proceed in the matter in accordance with the provisions of the Revised Statutes hereby made applicable to the Philippine Islands: Provided, That for the purposes of this section the order or warrant for delivery of a person committed for extradition prescribed by section fifty-two hundred and seventy-two of the Revised Statutes shall be issued by the governor of the Philippine Islands under his hand and seal of office, and not by the Secretary of State.

Act Feb. 6, 1905, c. 454, § 1, 33 Stat. 698.

Rev. St. §§ 5270-5277, and Act Aug. 3, 1882, c. 378, mentioned in this section, are set forth in Comp. St. 1901, pp. 3591-3597.

**Allowing prisoners to escape, punishable.**

Sec. 2. That the provisions of sections fifty-four hundred and nine and fifty-four hundred and ten of the Revised Statutes are hereby made applicable to proceedings in extradition from the Philippine Islands, either to the United States under an Act entitled "An Act to provide for the removal of persons accused of crime to and from the Philippine Islands for trial," approved February ninth, nineteen hundred and three, or to foreign countries under the provisions of this Act.

Act Feb. 6, 1905, c. 454, § 2, 33 Stat. 698.

Rev. St. §§ 5409, 5410, mentioned in this section, are set forth in Comp. St. 1901, pp. 3658, 3659. They make punishable any marshal, deputy marshal, etc., who, having in his custody any prisoner by virtue of process issued under the laws of the United States, voluntarily suffers such prisoner to escape.

Act Feb. 9, 1903, c. 529, § 2, also mentioned in this section, is set forth below.

**Secs. 5278, 5279.**

**Fugitives from justice of a State or Territory.**

The provisions of Rev. St. §§ 5278, 5279, set forth in Comp. St. 1901, p. 3597, are to apply, so far as applicable, to the Philippine Islands, by Act Feb. 9, 1903, c. 529, § 2, set forth below.

**ACT FEB. 9, 1903, c. 529, § 2.****Fugitives from justice of Philippine Islands.**

That the provisions of sections fifty-two hundred and seventy-eight and fifty-two hundred and seventy-nine of the Revised Statutes, so far as applicable, shall apply to the Philippine Islands, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

Act Feb. 9, 1903, c. 529, § 2, 32 Stat. 807.

This section is part of an act to provide for the removal of persons accused of crime to and from the Philippine Islands, cited above. Section 1 of the act is set forth ante, under Title XIII, "The Judiciary," c. 18.

Rev. St. §§ 5278, 5279, mentioned in this section, are set forth in Comp. St. 1901, p. 3597.

The provisions of Rev. St. §§ 5409, 5410, Comp. St. 1901, pp. 3658, 3659, which make punishable voluntarily suffering a prisoner, in custody by virtue of process under the laws of the United States, to escape, are made applicable to proceedings under this act, by Act Feb. 6, 1903, c. 454, § 2, set forth above.



# TITLE LXVIII.

## REMISSION OF FINES, PENALTIES, AND FORFEITURES.

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**Sec. 5293.** [*As amended 1877.*]

**Upon investigation under regulations of Secretary of the Treasury.**

Provisions for remission of forfeitures and restoration of proceeds of sales of property seized and sold under the revenue laws, to be granted on application to the Secretary of the Treasury therefor, are contained in Rev. St. § 3078, set forth in Comp. St. 1901, p. 2013.

Provisions for remission of fines, penalties, and forfeitures, etc., under laws relating to the officers, etc., or business of the postal service, on investigation by the Auditor of the Treasury for the Post-Office Department under rules, etc., prescribed by the Postmaster-General, by said Auditor with the written consent of the Postmaster-General, are contained in Rev. St. § 409, set forth in Comp. St. 1901, p. 229.

# TITLE LXX.

## CRIMES.

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### CHAPTER ONE.

#### General Provisions.

##### Sec. 5325.

**ACT JAN. 15, 1897, c. 29, §§ 1, 5.**

##### **Qualified verdict of guilty of murder or rape.**

The provisions of section 1 of this act are applicable to murder and rape committed within the limits of any Indian reservation in South Dakota, by Act Feb. 2, 1903, c. 351, § 2, set forth post, under chapter 3 of this Title.

##### **Punishment of rape by Indians.**

The punishment of rape by an Indian, committed within the limits of any Indian reservation in South Dakota, may be by imprisonment, at the discretion of the court, by Act Feb. 2, 1903, c. 351, § 2, set forth post, under chapter 3 of this Title.

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### CHAPTER TWO.

#### Crimes Against the Existence of the Government.

##### Sec. 5331.

##### **Treason.**

The testimony of two witnesses to the same overt act, or confession in open court, is necessary to conviction of treason of any person in the Philippine Islands, by Act March 8, 1902, c. 140, § 9, set forth below.

**ACT MARCH 8, 1902, c. 140, § 9.**

##### **Treason in the Philippines; evidence necessary to convict.**

That no person in the Philippine Islands shall, under the authority of the United States, be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Act March 8, 1902, c. 140, § 9, 32 Stat. 55.

This section is part of an act temporarily to provide revenue for the Philippine Islands, and for other purposes, cited above, other sections of which are set forth or referred to ante, under Title XXXIII, "Duties Upon Imports."

## CHAPTER THREE.

### Crimes Arising Within the Maritime and Territorial Jurisdiction of the United States.

#### Sec. 5339.

##### **Murder.**

The Circuit and District Courts of the United States for the district of South Dakota are given jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon committed within the limits of any Indian reservation in South Dakota, by Act Feb. 2, 1903, c. 351, § 1, set forth below. Section 2 of said act, also set forth below, prescribes the penalty for the commission of murder, manslaughter, rape, arson, or burglary within such reservations, and provides for the punishment of Indians committing the crime of rape within such reservations. Section 3 of said act, also set forth below, prescribes the penalty for the commission of the crimes of assault with intent to kill, assault with a dangerous weapon, or larceny within such reservations.

#### Sec. 5342.

##### **Attempt to commit murder or manslaughter.**

The punishment of the crime of assault with intent to kill within the limits of any Indian reservation in South Dakota is prescribed by Act Feb. 2, 1903, c. 351, § 3, set forth below.

#### **ACT FEB. 2, 1903, c. 351.**

An Act Conferring Jurisdiction upon the Circuit and District Courts for the District of South Dakota in Certain Cases, and for Other Purposes. (32 Stat. 793.)

##### **Jurisdiction of crimes committed on Indian reservations in South Dakota.**

Be it enacted, &c., That the circuit and district courts of the United States for the district of South Dakota are hereby given jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon committed within the limits of any Indian reservation in the State of South Dakota.

Act Feb. 2, 1903, c. 351, § 1, 32 Stat. 793.

##### **Punishment of murder, manslaughter, rape, arson, or burglary committed on Indian reservations in South Dakota.**

Sec. 2. That any person convicted of the crime of murder, manslaughter, rape, arson, or burglary committed within the limits specified in section one of this Act shall be subject to the same penalties and punishment as are all other persons convicted of the commission of any of said crimes within the sole and exclusive jurisdiction of the United States: Provided, however, That any Indian who shall com-

mit the crime of rape within the limits of any Indian reservation mentioned in this Act shall be punished by imprisonment at the discretion of the court.

Act Feb. 2, 1903, c. 351, § 2, 32 Stat. 793.

The penalties for the commission of the crimes enumerated in this section are contained in Rev. St. Title LXX, "Crimes," chapters 1 and 3, Comp. St. 1901, pp. 3619-3622, 3625-3653.

**Punishment of assault with intent to kill, assault with a dangerous weapon, or larceny committed on Indian reservations in South Dakota.**

Sec. 3. That any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits specified in section one of this Act shall be subject to the same penalties and punishment as are all other persons convicted of either of said crimes under the laws of the State of South Dakota.

Act Feb. 2, 1903, c. 351, § 3, 32 Stat. 793.

The laws of South Dakota fixing the penalties for the crimes enumerated in this section are as follows: Grantham's Annot. St. S. Dak. 1901, §§ 7738, 7739, assault with intent to kill; section 7769, assault with dangerous weapon; sections 8047-8055, larceny.

**Cession of State jurisdiction to United States.**

Sec. 4. That this Act is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and five, Laws of South Dakota, nineteen hundred and one.

Act Feb. 2, 1903, c. 351, § 3, 32 Stat. 793.

The act mentioned in this section is evidently a miscitation for Act Feb. 14, 1901, c. 106, Laws S. D. 1901, p. 132, which reads as follows:

"Section 1. There is hereby relinquished and given to the United States of America and the officers and courts thereof exclusive jurisdiction and authority to arrest, prosecute, convict and punish all persons whomsoever who shall, upon any Indian reservation within the state of South Dakota, commit any act in violation of the penal laws of the United States.

"Sec. 2. No costs or charges incurred in the courts of the United States in the prosecution of offenses committed upon any Indian reservation shall be chargeable to the state of South Dakota.

"Sec. 3. This act shall be in full force and effect whenever the jurisdiction hereby relinquished shall be assumed by the United States.

"Sec. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

**Sec. 5343.**

**ACT MARCH 3, 1875, c. 138.**

**Punishment of manslaughter.**

Manslaughter committed within the limits of any Indian reservation in South Dakota is punishable under the provisions of this act, by Act Feb. 2, 1903, c. 351, § 2, set forth above.

**Sec. 5344.**

[Amended. Act March 3, 1905, c. 1454, § 5.]

Rev. St. § 5344, set forth in Comp. St. 1901, p. 3629, is amended by Act March 3, 1905, § 5, to read as set forth below.

**ACT MARCH 3, 1905, c. 1454, § 5. [H. R. 18198.]**

**Amendment of Rev. St. § 5344.**

Sec. 5. That section fifty-three hundred and forty-four of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

**Officers and owners [and charterers and executive officers of corporation owner or charterer] of steamboats through whose misconduct, [neglect] etc., life is lost, guilty of manslaughter.**

"Sec. 5344. Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law, the life of any person is destroyed, shall be deemed guilty of the felony of manslaughter, and upon conviction thereof, before any circuit court of the United States, shall be sentenced to pay a fine of not more than ten thousand dollars, or to confinement at hard labor for a period of not more than ten years, or either, or both: Provided, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be deemed guilty of the felony of manslaughter, and upon conviction thereof, before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period of not more than ten years."

Act March 3, 1905, c. 1454, § 5, 33 Stat. 1025.

This section is part of an act amending various sections of the Revised Statutes relating to inspection of steam-vessels, as well as section 5344. The other sections of the act are set forth ante, under Title LII, "Regulation of Steam-Vessels."

Rev. St. § 5344, amended by this section, is set forth in Comp. St. 1901, p. 3629. The amendment consists in the insertion, after the words "and every owner," of the word "charterer"; after the words "through whose fraud," of the word "neglect"; after the words "shall be deemed guilty of," of the words "the felony of"; after the words "shall be sentenced," of the words "to pay a fine of not more than ten thousand dollars, or to"; and after the words immediately following, "confinement at hard labor for a period of not more than ten years," of the words "or either, or both"; and the addition of the proviso at the end of the section making punishable an executive officer of a corporation owner or charterer of a steamboat, etc.

## **Sec. 5345.**

### **Rape.**

Rape committed within the limits of any Indian reservation in South Dakota is punishable in accordance with the provisions of this section, by Act Feb. 2, 1903, c. 351, § 2, set forth above.

**Sec. 5346.****Assault with a dangerous weapon.**

The punishment of the crime of assault with a dangerous weapon committed within the limits of any Indian reservation in South Dakota is prescribed by Act Feb. 2, 1903, c. 351, § 3, set forth above.

**Sec. 5356.****Larceny.**

The punishment of the crime of larceny committed within the limits of any Indian reservation in South Dakota is prescribed by Act Feb. 2, 1903, c. 351, § 3, set forth above.

**ACT JULY 1, 1902, c. 1376.**

An Act for the Suppression of Train Robbery in the Territories of the United States and Elsewhere, and for Other Purposes.  
(32 Stat. 727.)

**Train robberies, etc., committed in territory subject to exclusive jurisdiction of United States; punishment.**

Be it enacted, &c., That if any person shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, within any Territory of the United States, or any place subject to the exclusive jurisdiction or control thereof, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train, or in any such car thereof, or to commit any crime or offense against any person or property thereon, such person shall be punished by imprisonment not exceeding twenty years, or by fine not exceeding five thousand dollars, or both, at the discretion of the court.

Act July 1, 1902, c. 1376, § 1, 32 Stat. 727.

**Aiding and abetting train robberies, etc.**

Sec. 2. That any person who shall counsel, aid, abet, and assist in the perpetration of any of the offenses set forth in the preceding section shall be deemed to be principals therein.

Act July 1, 1902, c. 1376, § 2, 32 Stat. 728.

**Allegations and proof.**

Sec. 3. That upon the trial of any person charged with any offense set forth in this Act it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

Act July 1, 1902, c. 1376, § 3, 32 Stat. 728.

**Sec. 5382.****ACT FEB. 14, 1902, c. 18.**

An Act to Prevent the Sale of Firearms, Opium, and Intoxicating Liquors in Certain Islands of the Pacific. (32 Stat. 33.)

**Sale of arms, ammunition, explosive substances, intoxicating liquors, or opium to natives of certain islands in Pacific Ocean; punishment.**

Be it enacted, &c., That any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding fifty dollars, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

Act Feb. 14, 1902, c. 18, § 1, 32 Stat. 33.

**Exceptions as to opium, wine, or spirits given for medical purposes.**

Sec. 2. That if it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

Act Feb. 14, 1902, c. 18, § 2, 32 Stat. 33.

**Offenses against act deemed to have been committed on high seas, or on board merchant vessel of United States; jurisdiction.**

Sec. 3. That all offenses against this Act committed on any of said islands or on the waters, rocks, or keys adjacent thereto shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

Act Feb. 14, 1902, c. 18, § 3, 32 Stat. 33.

**Sec. 5385.**

**Arson of dwelling house within a fort, etc.**

The punishment of arson committed within the limits of any Indian reservation in South Dakota is prescribed by Act Feb. 2, 1903, c. 351, § 2, set forth above.

**Sec. 5391.****ACT JULY 7, 1898, c. 576, § 2.**

**Certain offenses committed in places jurisdiction over which has been retained or acquired by United States, how punished.**

The State of South Dakota, by Act Feb. 14, 1901, c. 106 (Sess. Laws S. D. 1901, p. 132), ceded to the United States jurisdiction over offenses committed upon Indian reservations within the state. By Act Feb. 2,

1903, c. 351, set forth above, the circuit and district courts of the United States for the district of South Dakota were given jurisdiction to hear, try, and determine all prosecutions for the crimes of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon, committed within the limits of any Indian reservation in the state of South Dakota; the punishment of the crimes of murder, manslaughter, rape, arson, or burglary was made the same as the punishment for similar crimes committed within the sole and exclusive jurisdiction of the United States; and the punishment for assault with intent to kill, assault with a dangerous weapon, or larceny was declared to be governed by the laws of South Dakota relating to the punishment of like offenses.

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## CHAPTER FOUR.

### Crimes Against Justice.

#### Sec. 5392.

##### **Perjury.**

False swearing by any person to whom an oath has been administered by an immigration officer, under the provisions of Act March 3, 1903, c. 1012, in any way affecting or in relation to the right of an alien to admission to the United States, is defined as perjury, and made punishable as provided by this section, by a provision of said Act March 3, 1903, c. 1012, § 24, set forth ante, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

#### Sec. 5399.

##### **Intimidation or corruption of witness or officer.**

Willfully neglecting or refusing to obey a subpoena issued in proceedings before a register or receiver of the land office, under Act Jan. 31, 1903, c. 344, is made a misdemeanor and punishable, by section 3 of said act, set forth ante, under Title XXXII, "The Public Lands," c. 2.

#### Secs. 5409, 5410.

##### **Allowing prisoners to escape.**

The provisions of Rev. St. §§ 5409, 5410, set forth in Comp. St. 1901, pp. 3658, 3659, are made applicable to proceedings in extradition from or to the Philippine Islands, either under Act Feb. 9, 1903, c. 529, § 2, or under Act Feb. 6, 1905, c. 454, by section 2 of the act last mentioned, set forth ante, under Title LXVI, "Extradition."

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## CHAPTER FIVE.

### Crimes Against the Operations of the Government.

#### [COUNTERFEITING COIN.]

#### Sec. 5462.

**ACT FEB. 10, 1891, c. 127, § 3.**

[Amended. Act March 3, 1903, c. 1015.]

This section is amended by Act March 3, 1903, c. 1015, set forth below.



**ACT MARCH 3, 1903, c. 1015.**

An Act To Amend Section Three of the "Act Further to Prevent Counterfeiting or Manufacturing of Dies, Tools, or Other Implements Used in Manufacturing," and so forth, Approved February Tenth, Eighteen Hundred and Ninety-One. (32 Stat. 1223.)

**Amendment of Act Feb. 10, 1891, c. 127, § 3.**

Be it enacted, &c., That section three of an Act entitled "An Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing, and providing penalties therefor, and providing for the issue of such warrants in certain cases," approved February tenth, eighteen hundred and ninety-one, be, and it hereby is, amended so as to read as follows:

**Making, importing, or having in possession tokens similar to coins; exception as to illustrations for numismatic books.**

"Sec. 3. That every person who makes, or who causes or procures to be made, or who brings into the United States from any foreign country, or who shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in likeness or similitude as to design, color, or the inscription thereon, of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars. But nothing in this Act shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals, or the making of the necessary plates for the same, to be used in illustrating numismatic and historical books and journals and the circulars of legitimate publishers and dealers in the same."

Act March 3, 1903, c. 1015, 32 Stat. 1223.

This act amends Act Feb. 10, 1891, c. 127, § 3, set forth in Comp. St. 1901, p. 3687, to read as set forth above. The amendment consists principally in the addition, at the end of the section, of the clause beginning, "But nothing in this act shall be construed," etc.

The title of the act amended is incorrectly recited in the title and in the body of this act. As enacted, the title is "An act further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for the issue of search warrants in certain cases." Act Feb. 10, 1891, c. 127, 26 Stat. 742, Comp. St. 1901, p. 3686.

**POSTAL CRIMES.****Sec. 5465.**

**Act March 3, 1879, c. 180, § 13.** [*As amended 1888.*]

[Amended. Act March 2, 1905, c. 1304.]

This section, set forth, as previously amended by Act June 18, 1888, c. 394, § 1, in Comp. St. 1901, p. 3690, is further amended by Act March 2, 1905, c. 1304, to read as set forth below.

**ACT MARCH 2, 1905, c. 1304. [S. 7239.]**

An Act to Amend Section Thirteen of Chapter Three Hundred and Ninety-Four of the Supplement to the Revised Statutes of the United States. (33 Stat. 823.)

**Amendment of Act March 3, 1879, c. 180, § 13, as amended by Act June 18, 1888, c. 394, § 1; false evidence relative to publication to secure second-class rate.**

Be it enacted, &c., That section thirteen of chapter three hundred and ninety-four of the supplement to the Revised Statutes of the United States be amended so as to read as follows: That any person who shall submit or cause to be submitted to any postmaster or to the Post-Office Department or any officer of the postal service any false evidence, relative to any publication for the purpose of securing the admission thereof at the second-class rate for transportation in the mails, shall be deemed guilty of a misdemeanor, and for every such offense, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

Act March 2, 1905, c. 1304, 33 Stat. 823.

Rev. St. Supp. c. 394, § 13, amended by this act, is Act June 18, 1888, c. 394, § 1, amending Act March 3, 1879, c. 180, § 13, which is set forth, as amended by said Act June 18, 1888, in Comp. St. 1901, p. 8690. The amendment by this act consists in the omission, after the words "any false evidence, relative to," of the words "the character of," making the clause read "any false evidence, relative to any publication," etc., as set forth here.

**Sec. 5466.****Injuring mail matter.**

Willfully or maliciously injuring, etc., rural free delivery or other mail route letter boxes, or mail matter deposited therein, or willfully taking or stealing such matter, etc., is made punishable by fine or imprisonment, by Act April 21, 1902, c. 563, § 1, amended by Act March 3, 1903, c. 1009, § 3, set forth ante, under Title XLVI, "The Postal Service," c. 2.

Entry by violence into a railway post-office car, etc., or willfully or maliciously assaulting a railway postal clerk in the discharge of his duties in connection with such car, etc., is made punishable by fine or imprisonment, by Act March 3, 1903, c. 1009, § 5, set forth ante, Title XLVI, "The Postal Service," c. 10.

**Sec. 5472.****Robbery of the mail.**

Special delivery messengers, when actually engaged in carrying or delivering mail, are to be deemed carriers within the meaning of this section, by Act March 3, 1903, c. 1009, § 4, set forth ante, under Title XLVI, "The Postal Service," c. 2.

**Sec. 5473.****Attempting to rob the mail.**

Special delivery messengers, when actually engaged in carrying or delivering mail, are to be deemed carriers, within the meaning of this sec-

tion, by Act March 3, 1903, c. 1009, § 4, set forth ante, under Title XLVI, "The Postal Service," c. 2.

Unlawfully entering a railway post office car or assaulting a railway postal clerk while on duty are punishable by Act March 3, 1903, c. 1009, § 5, set forth ante, under Title XLVI, "The Postal Service," c. 10.

## Sec. 5480.

The importation into the United States, or holding in pursuance of such importation, of any woman or girl for purposes of prostitution, is made a felony, by Act March 3, 1903, c. 1012, § 3, set forth ante, under Title XXIX, "Immigration."

Bringing into or landing in the United States any alien not duly admitted or not lawfully entitled to enter is made a misdemeanor, by Act March 3, 1903, c. 1012, § 8, set forth ante, under Title XXIX, "Immigration."

Landing or permitting the landing of aliens at a time or place other than that designated by the immigration officers is made a misdemeanor, by Act March 3, 1903, c. 1012, § 18, set forth ante, under Title XXIX, "Immigration."

Refusing to receive back on board vessels, or neglecting to detain, or refusing or neglecting to return or to pay the cost of maintenance of, aliens brought into the United States in violation of law, is made a misdemeanor, by Act March 3, 1903, c. 1012, §§ 19, 21, set forth ante, under Title XXIX, "Immigration."

Aiding or assisting any person who disbelieves in or is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief or opposition, or who advocates, etc., the unlawful assaulting or killing of officers of government, to enter the United States, except pursuant to rules and regulations authorized by Act March 3, 1903, c. 1012, § 38, is punishable, by a provision of that section set forth ante, under Title XXIX, "Immigration."

Purposely procuring naturalization in violation of the provisions of Act March 3, 1903, c. 1012, § 39, providing that no person who disbelieves in or is opposed to all organized government, etc., shall be naturalized, or knowingly aiding, etc., any such person to apply for or to secure naturalization, or knowingly procuring or giving false testimony as to any material fact in any naturalization proceeding, or knowingly making an affidavit false as to any material fact required to be proved in such proceeding, are punishable by provisions of said Act March 3, 1903, c. 1012, § 39, set forth ante, under Title XXX, "Naturalization."

Counterfeiting weather forecasts or warnings, falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, etc., or molesting or interfering with any weather or storm flag or weather map or bulletin displayed or issued by the Weather Bureau, is made a misdemeanor, punishable by fine or imprisonment or both, by provisions of Act March 3, 1905, c. 1405, set forth ante, under Title XII, "The Department of Agriculture," c. B.

Hunting, trapping, killing, or capturing game animals or birds upon lands of the United States within areas set aside for the protection thereof in the Wichita Forest Reserve is made a misdemeanor, punishable by fine or imprisonment or both, by Act Jan. 24, 1905, c. 137, § 2, set forth ante, under Title XXXII, "The Public Lands," c. 11, subc. "Forest Reserves."

Unlawful intrusion upon Wind Cave National Park, South Dakota, or appropriation, without permission, of any object therein, or commission of unauthorized injury, etc., upon lands or other public property therein, is made punishable by fine or imprisonment or both, by Act Jan. 9, 1903, c. 63, § 6, set forth ante, under Title XXXII, "The Public Lands," c. 11, subc. "Parks and Reservations."

Provisions for the punishment of various offenses within the Hot Springs Reservation, Arkansas, are contained in Act April 20, 1904,

c. 1400, §§ 3, 4, 5, set forth ante, under Title XXXII, "The Public Lands," c. 11, subc. "Parks and Reservations."

The violation of any of the provisions of section 5 of Act May 9, 1902, c. 784, § 5, relating to the inspection, marking, etc., of process or renovated butter, is made a misdemeanor, punishable by fine or imprisonment or both, by said section, set forth ante, under Title XXXV, "Internal Revenue," c. 7 B.

Willful violation of any of the provisions of section 6 of said Act May 9, 1902, c. 784, requiring wholesale dealers in oleomargarine, process, renovated, or adulterated butter, to keep books and render returns in relation thereto, is made punishable by fine and imprisonment, by said section, set forth ante, under Title XXXV, "Internal Revenue," c. 7 B.

Numerous sections of the Revised Statutes making punishable violations of laws and regulations relating to inspection of steam-vessels and to transportation by them of passengers and merchandise, amended by subsequent acts, are set forth, as amended, ante, under Title LII, "Regulation of Steam-Vessels."

Detention of the clothing of any seaman when demanded by the owner is made a misdemeanor, punishable by imprisonment or fine or both, by an amendment of Act Aug. 19, 1890, c. 801, by Act April 11, 1904, c. 1140, set forth ante, under Title LIII, "Merchant Seamen," c. 1.

Demanding or receiving remuneration for procuring employment for a seaman is made a misdemeanor, punishable by imprisonment or fine, by an amendment of Act June 26, 1884, c. 121, § 10, by Act April 26, 1904, c. 1603, § 1, set forth ante, under Title LIII, "Merchant Seamen," c. 3.

Willful failure of any carrier subject to the interstate commerce acts to file and publish the tariffs or rates and charges as required by said acts, or strictly to observe such tariffs, or offering, giving, or receiving, etc., any rebate, concession, or discrimination in the transportation of property in interstate or foreign commerce by any such carrier, is made a misdemeanor, punishable by fine, imprisonment as part of the penalty for offenses under said acts to regulate commerce being abolished, by Act Feb. 19, 1903, c. 708, § 1, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

The provisions of Act Feb. 8, 1897, c. 172, Comp. St. 1901, p. 8180, making punishable the depositing with any express company or other common carrier for carriage from one State or Territory, etc., to any other State or Territory, etc., of any obscene, etc., book, etc., article, etc., are amended by Act Feb. 8, 1905, c. 550, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2.

The transportation or removal from one State, Territory, etc., to another, or from a foreign country into the United States, of certain insect pests, or the eggs, etc., thereof, except for scientific purposes, is forbidden, and such insects, etc., are declared non-mailable, and violation of these provisions is made punishable by fine or imprisonment at hard labor or both, by Act March 3, 1905, c. 1501, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2.

The violation of Act July 1, 1902, c. 1357, prohibiting the introduction into any State or Territory, or the District of Columbia from any other State or Territory, or the District of Columbia, or the sale in the District of Columbia or any Territory, of any dairy or food product falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, is made a misdemeanor punishable by fine or imprisonment, by section 2 thereof, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

The violation of the provision of Act Feb. 2, 1908, c. 349, for the regulation of the exportation and transportation of infected live stock, and the prevention of contagious, etc., diseases among live stock, or of any of the orders and regulations of the Secretary of Agriculture, made in pursuance of authority granted by said act, is made a misdemeanor and punishable by fine and imprisonment, by section 3 of said act, set forth

ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Violation of the provisions of Act March 3, 1905, c. 1406, relating to transportation or delivery or moving of cattle or other live stock from any quarantined State, Territory, etc., or portion thereof, to any other, is made a misdemeanor, punishable by fine or imprisonment or both, by section 6 of said act, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Stamping gold, silver, or goods manufactured therefrom, to be used in interstate or foreign commerce, with the words "United States Assay," or with any words, etc., calculated to convey the impression that the United States Government has certified to the fineness or quality of such gold or silver, etc., is made a misdemeanor, punishable by fine or imprisonment or both, by Act Feb. 21, 1905, c. 720, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Contracting for, demanding, receiving, or retaining any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress, granting pension or increase of pension, is made an offense, punishable by fine or imprisonment or both, by a provision of Act March 10, 1902, c. 147, set forth ante, under Title LVII, "Pensions."

The violation of regulations, to be prescribed, to govern the transportation and dumping into any navigable water, etc., of dredgings, etc., and other refuse materials, is made a misdemeanor, subject to the penalties prescribed in Act March 3, 1899, c. 425, § 16, Comp. St. 1901, p. 3544, for violation of the provisions of section 13 of said act, Comp. St. 1901, p. 3542, by Act March 3, 1905, c. 1482, § 4, set forth ante, under Title LXIII, "Rivers and Harbors," subc. "Preservation and Protection of Rivers and Harbors, and of Improvements."

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## CHAPTER SIX.

### Official Misconduct, Etc.

#### Sec. 5487.

##### **Pension agent taking fee, etc.**

Provisions punishing pension attorneys receiving compensation for procuring pension legislation are contained in Act March 10, 1902, c. 147, set forth ante, under Title LVII, "Pensions."

#### Sec. 5498.

##### **ACT JUNE 3, 1900, c. 789, § 1.**

[Superseded. Act March 3, 1905, c. 1406, § 1.]

The provision of this act set forth in Comp. St. 1901, p. 3708, is repeated in the same language in the District of Columbia appropriation acts for the subsequent fiscal years. In the act for the fiscal year 1906, Act March 3, 1905, c. 1406, § 1, the word "hereafter" is inserted, making the provision read as set forth below.

##### **ACT MARCH 3, 1905, c. 1406, § 1. [H. R. 18123.]**

##### **Members of National Guard of District of Columbia not prohibited from being interested in claims.**

\* \* That hereafter members of the National Guard of the District of Columbia who receive compensation for their services as such shall

not be held or construed to be officers of the United States, or persons holding any place of trust or profit, or discharging any official function under or in connection with any Executive Department of the Government of the United States within the provisions of section fifty-four hundred and ninety-eight of the Revised Statutes of the United States: \* \*

Act March 3, 1905, c. 1406, § 1, 33 Stat. 911.

This is a proviso annexed to an appropriation for the militia in the District of Columbia appropriation act for the fiscal year ending June 30, 1906. It re-enacts, with the addition of the word "hereafter," and supersedes previous provisions in similar appropriation acts, as in Act June 6, 1900, c. 789, § 1, Comp. St. 1901, p. 3708.

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## CHAPTER SEVEN.

### Crimes Against the Elective Franchise and Civil Rights of Citizens.

#### Sec. 5507.

##### Intimidating voters by bribery or threats.

This section, set forth in Comp. St. 1901, p. 3712, provides that every person offending against it "shall be punished as provided in the preceding section," Rev. St. § 5506, which was repealed by Act Feb. 8, 1894, c. 25, § 1, Comp. St. 1901, p. 1272. Said repealed section provided that every person committing any of the acts therein described should "be fined not less than five hundred dollars, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment."

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## CHAPTER NINE.

### Prisoners and Their Treatment.

#### Sec. 5543.

##### Deductions from term of imprisonment for good conduct.

This section is superseded by Act June 21, 1902, c. 1140, set forth below, as to prisoners sentenced on judgments subsequent to the taking effect of that act.

#### Sec. 5544.

##### Application of preceding section.

This section is superseded by Act June 21, 1902, c. 1140, set forth below, as to prisoners sentenced on judgments subsequent to the taking effect of that act.

#### ACT MARCH 3, 1875, c. 145, § 1.

##### Deductions from term of imprisonment for good conduct.

This section is superseded by Act June 21, 1902, c. 1140, set forth be-

low, as to prisoners sentenced on judgments subsequent to the taking effect of that act.

## **Sec. 5550.**

**ACT MARCH 3, 1891, c. 529, § 8.**

**Deductions from term of imprisonment for good conduct.**

This section is superseded by Act June 21, 1902, c. 1140, set forth below, as to prisoners sentenced on judgments subsequent to the taking effect of that act.

**ACT JUNE 21, 1902, c. 1140.**

**An Act to Regulate Commutation for Good Conduct for United States Prisoners. (32 Stat. 397.)**

**United States prisoners; commutation for good conduct; computation.**

Be it enacted, &c., That each prisoner who has been or shall hereafter be convicted of any offense against the laws of the United States, and is confined, in execution of the judgment or sentence upon any such conviction, in any United States penitentiary or jail, or in any penitentiary, prison, or jail of any State or Territory, for a definite term, other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence to be estimated as follows, commencing on the first day of his arrival at the penitentiary, prison, or jail: Upon a sentence of not less than six months nor more than one year, five days for each month; upon a sentence of more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; upon a sentence of ten years or more, ten days for each month. When a prisoner has two or more sentences, the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated.

Act June 21, 1902, c. 1140, § 1, 32 Stat. 397.

**Restoration of forfeited commutation.**

Sec. 2. That in the case of convicts in any United States penitentiary, the Attorney-General shall have the power to restore to any such convict who has heretofore or may hereafter forfeit any good time by violating any existing law or prison regulation such portion of lost good time as may be proper, in his judgment, upon recommendations and evidence submitted to him by the warden in charge. Restoration, in the case of United States convicts confined in State and Territorial institutions, shall be regulated in accordance with the rules governing such institutions, respectively.

Act June 21, 1902, c. 1140, § 2, 32 Stat. 397.

**Time of taking effect of act; existing laws to apply to sentences imposed prior to passage of act; repeal.**

Sec. 3. That this Act shall take effect and be in force from and after

thirty days from the date of its approval, and shall apply only to sentences imposed by courts subsequent to the time that this Act takes effect, as hereinbefore provided. Prisoners serving under any sentence imposed prior to such time shall be entitled and receive the commutation heretofore allowed under existing laws. Such existing laws are hereby repealed as to all sentences imposed subsequent to the time when this Act takes effect.

Act June 21, 1902, c. 1140, § 8, 32 Stat. 898.

This act repeals, as to sentences imposed subsequent to its taking effect, the provisions of Rev. St. §§ 5543, 5544, and Acts March 3, 1875, c. 145, § 1, March 3, 1891, c. 529, § 8, set forth in Comp. St. 1901, pp. 3721, 3722, 3727, relating to commutation of sentences of United States prisoners for good conduct.



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# APPENDIX.

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# APPENDIX.

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## **ACT JUNE 4, 1897, c. 2, § 1.**

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-Eight, and for Other Purposes. (30 Stat. 11.)

Be it enacted, &c., \* \*

That the President, with the advice and consent of the Senate, shall appoint three commissioners whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States.

That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion.

That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change.

That each of said commissioners shall receive a salary of five thousand dollars a year, which, as also a sum sufficient to pay the expenses of the commissioners, to be approved and certified to by the Attorney-General, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

## **ACT JULY 1, 1898, c. 546, § 1.**

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-Nine, and for Other Purposes. (30 Stat. 597.)

Be it enacted, &c., \* \*

The commissioners appointed by the President to revise and codify the criminal and penal laws of the United States shall, in the execution of their work, act jointly as a commission, and the expenses of the commissioners heretofore appropriated, including compensation of assistants and necessary office rent, shall be paid by the disbursing clerk of the Department of Justice, on vouchers certified by the chairman of said commission and approved by the Attorney-General.

The said commissioners shall prepare, as a part of their work, a brief code of criminal procedure of the United States circuit and

districts courts, the same to be submitted to Congress for final action thereon.

The work of said commission shall, under the direction of the chairman thereof, be printed at the Government Printing Office, and when completed shall, together with the stereotyped plates, be the property of the United States.

**ACT MARCH 3, 1899, c. 424, § 1.**

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Nineteen Hundred, and for Other Purposes. (30 Stat. 1074.)

Be it enacted, &c., \* \*

It shall be the duty of the commission appointed to revise and codify the criminal and penal laws of the United States to revise and codify the laws concerning the jurisdiction and practice of the courts of the United States, including the Judiciary Act, the acts in amendment thereof and supplementary thereto, and all acts providing for the removal, appeal and transfer of causes.

**ACT MARCH 3, 1901, c. 853, § 1.**

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Nineteen Hundred and Two, and for Other Purposes. (31 Stat. 1133.)

Be it enacted, &c., \* \*

That the commission authorized by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven, to revise and codify the criminal and penal laws of the United States, is hereby, directed to revise and codify, in accordance with the terms and provisions of said Act and the Acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

That in performing this duty the said commission shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and may propose and embody in such revision changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

That the said commission shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions, with head notes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United

States explaining or construing the same; and shall provide by an index for an easy reference to every portion of such revision.

That when the commission have completed such revision in accordance herewith, it shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be re-enacted if Congress shall so determine.

**RES. MARCH 3, 1905, No. 28.** [S. J. R. 107.]

Joint Resolution Authorizing the Commission to Revise the Laws of the United States to Incorporate in its Final Report the Criminal and Penal Laws and the Judiciary Title Heretofore Reported by Said Commission. (33 Stat. 1285.)

Resolved, &c.. That the Commission to Revise the Criminal and Penal Laws of the United States be, and is hereby, authorized and required to incorporate in its final report of the revision of the general and permanent laws of the United States, the criminal and penal laws and the judiciary title heretofore reported by said Commission, as changed or modified by any Act or Acts passed since the date of the making of said reports.

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# CHRONOLOGICAL TABLE OF LAWS

INCLUDED IN THE

## COMPILED STATUTES OF THE UNITED STATES, 1901, AND SUPPLEMENT, 1905.

Being those acts passed subsequent to December 1, 1873, and prior to March 4, 1905, which are still in force; showing the volume and page of the Statutes at Large, and the pages and the sections under which the acts will be found in these compilations. The (\*) pages refer to the Supplement, 1905.

Date of Act.	Stat. at Large.				Under Sec. R. S.	Page.	Date of Act.	Stat. at Large.				Under Sec. R. S.	Page.
	Chap.	Sec.	Vol.	Page.				Chap.	Sec.	Vol.	Page.		
<b>1866</b>							<b>1874</b>						
June 27, 1866	140	1-6	14	74	—	3755	June 6, 1874	223	1-2	18	62	2448	1512
July 28, 1866	296	17	14	323	85	*4	June 6, 1874	223	3	18	62	2256	1377
<b>1870</b>							June 9, 1874	259	1-2	18	64	3330	2178
May 4, 1870	72	1	16	96	—	3756	June 9, 1874	260	1	18	64	4504	3064
<b>1871</b>							June 11, 1874	275	1	18	66	1687	1157
Feb. 28, 1871	100	57	16	456	563	455	June 11, 1874	275	1	18	67	1690	1159
<b>1872</b>							June 11, 1874	275	1	18	67	1697	1175
June 8, 1872	335	245-7	17	813	3945	2695	June 11, 1874	275	3	18	70	1692	1173
June 8, 1872	335	251	17	814	3951	2698	June 11, 1874	275	4	18	70	1742	1193
<b>1873</b>							June 11, 1874	275	6	18	70	1744	1194
Mch. 3, 1873	241	1-5	17	579	—	3756	June 16, 1874	285	2	18	75	300b	178
<b>1874</b>							June 17, 1874	294	1	18	77	1741	1192
Jan. 6, 1874	6	1	18	2	4420	3027	June 18, 1874	298	1-2	18	78	4698	3236
Jan. 8, 1874	7	1	18	2	8271	2122	June 18, 1874	301	1	18	78	4962	3411
Jan. 20, 1874	11	1	18	4	35	16	June 18, 1874	301	3-5	18	79	4962	3412
Jan. 20, 1874	11	1	18	4	—	3770	June 18, 1874	305	1	18	80	2449	1517
Jan. 22, 1874	14	1	18	5	78	45	June 20, 1874	328	1	18	85	52	26
Jan. 29, 1874	19	1	18	6	3516	2349	June 20, 1874	328	1	18	87	53	30
Feb. 4, 1874	22	1	18	14	1799	1230	June 20, 1874	328	1	18	90	200	101
Mch. 4, 1874	44	1	18	19	215	112	June 20, 1874	328	1	18	90	202	103
Mch. 5, 1874	46	1	18	19	391	220	June 20, 1874	328	1	18	90	4075	2765
Mch. 7, 1874	50	1	18	20	1799	1231	June 20, 1874	328	1	18	96	345	198
Mch. 18, 1874	57	1	18	23	395	224	June 20, 1874	328	1	18	96	3656	2429
Mch. 23, 1874	62	1-2	18	23	4125	2781	June 20, 1874	328	1	18	97	3495	2334
Mch. 24, 1874	65	1	18	24	2982	1956	June 20, 1874	328	1	18	101	215	112
Apr. 17, 1874	106	1	18	30	4328	2966	June 20, 1874	328	1	18	109	384	214
Apr. 18, 1874	110	1	18	31	4385	2995	June 20, 1874	328	2	18	109	799	622
Apr. 20, 1874	117	1-2	18	33	216	114	June 20, 1874	328	8	18	109	1765	1207
May 12, 1874	168	1	18	45	3495	2334	June 20, 1874	328	4	18	109	3689	2471
June 1, 1874	200	1	18	50	721	581	June 20, 1874	328	5	18	110	3691	2472
June 5, 1874	214	1	18	53	548	436	June 20, 1874	330	1	18	111	2449	1517
June 6, 1874	219	1	18	61	4720	8258	June 20, 1874	331	1	18	111	5262	3577

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Date of Act	Stat. at Large				Under Sec. R. S.	Page.	Date of Act	Stat. at Large				Under Sec. R. S.	Page.
	Chap.	Sec.	Vol.	Page.				Chap.	Sec.	Vol.	Page.		
1874													
June 20,	333	1-10	18	113	—	8757	Jan. 14,	15	1	18	296	3575	2389
June 20,	339	1	18	121	1536	1054	Jan. 14,	15	2	18	296	3524	2352
June 20,	343	1	18	123	5133	8454	Jan. 14,	15	3	18	296	3575	2389
June 20,	343	2-3	18	123	5192	8488	Jan. 14,	15	3	18	296	5177	3479
June 20,	343	4	18	124	5167	8472	Jan. 19,	19	1	18	302	5183	3483
June 20,	343	5	18	124	5172	8477	Jan. 22,	22	1	18	303	3091	2024
June 20,	343	6	18	124	3582	2397	Jan. 29,	29	1	18	304	2535	1733
June 20,	344	1-2	18	125	4249	2008	Feb. 8,	36	11	18	309	2618	1806
June 20,	344	5-9	18	127	4249	2010	Feb. 8,	36	12-13	18	309	3145	2043
June 20,	344	10-13	18	128	4234	2901	Feb. 8,	36	16	18	310	3242	2095
June 22,	388	1	18	145	54	32	Feb. 8,	36	17	18	311	3326	2169
June 22,	389	10	18	177	3742	2509	Feb. 8,	36	18	18	311	3244	2100
June 22,	391	1-8	18	186	3091	2018	Feb. 8,	36	19-21	18	311	3412	2249
June 22,	391	13	18	188	3091	2021	Feb. 8,	36	23	18	312	3169	2060
June 22,	391	15	18	189	3091	2022	Feb. 8,	36	24	18	312	3385	2214
June 22,	391	17-18	18	189	5293	3006	Feb. 8,	36	25	18	312	3386	2216
June 22,	391	19	18	190	3091	2022	Feb. 11,	41	1	18	315	2324	1427
June 22,	391	20	18	190	5293	3006	Feb. 16,	77	1-2	18	315	649	525
June 22,	391	21	18	190	3011	1986	Feb. 16,	77	4	18	316	649	527
June 22,	391	22	18	190	1047	727	Feb. 18,	80	1	18	310	1342	960
June 22,	391	23	18	190	2659	1825	Feb. 18,	80	1	18	316	65	38
June 22,	391	24-25	18	191	2989	1960	Feb. 18,	80	1	18	316	67	39
June 22,	391	26	18	191	3091	2023	Feb. 18,	80	1	18	317	79	45
June 22,	392	1-2	18	191	1561	1075	Feb. 18,	80	1	18	317	239	131
June 22,	395	1	18	193	3482	2324	Feb. 18,	80	1	18	317	284	170
June 22,	400	1	18	194	2490	1593	Feb. 18,	80	1	18	317	330	189
June 22,	401	1-3	18	195	608	490	Feb. 18,	80	1	18	317	333	190
June 22,	401	5	18	195	608	491	Feb. 18,	80	1	18	317	453	257
June 22,	401	6	18	195	532	317	Feb. 18,	80	1	18	317	541	394
June 22,	401	7-8	18	195	608	491	Feb. 18,	80	1	18	318	629	505
June 22,	402	1	18	196	2504	1759	Feb. 18,	80	1	18	318	709	575
June 22,	413	1	18	200	1673	1145	Feb. 18,	80	1	18	318	711	578
June 22,	414	1	18	200	5260	3566	Feb. 18,	80	1	18	318	846	648
June 22,	419	1	18	202	3553	2372	Feb. 18,	80	1	18	318	1007	714
June 23,	453	1	18	203	1519	1045	Feb. 18,	80	1	18	318	1011	715
June 23,	455	1	18	206	3581	2398	Feb. 18,	90	1	18	318	1059	734
June 23,	455	1	18	216	3686	2459	Feb. 18,	80	1	18	318	1342	951
June 23,	455	1	18	217	4675	8147	Feb. 18,	90	1	18	318	2169	1333
June 23,	455	1	18	220	4658	3142	Feb. 18,	80	1	18	318	2527	1721
June 23,	455	1	18	223	2068	1277	Feb. 18,	80	1	18	318	2531	1725
June 23,	456	1	18	231	394	223	Feb. 18,	80	1	18	318	2730	1845
June 23,	456	1	18	231	3915	2678	Feb. 18,	80	1	18	319	2864	1904
June 23,	456	5-6	18	232	3905	2667	Feb. 18,	80	1	18	319	3100	2027
June 23,	456	9	18	233	3909	2670	Feb. 18,	80	1	18	319	3158	2054
June 23,	456	12	18	235	3945	2696	Feb. 18,	80	1	18	319	3181	2071
June 23,	456	12	18	235	3951	2699	Feb. 18,	80	1	18	319	3238	2068
June 23,	456	13	18	237	3910	2671	Feb. 18,	80	1	18	319	3244	2097
June 23,	458	4	18	244	1168	835	Feb. 18,	80	1	18	319	3299	2153
June 23,	461	1	18	250	5269	3582	Feb. 18,	80	1	18	319	3417	2251
June 23,	463	1	18	251	536	347	Feb. 18,	80	1	18	319	3561	2374
June 23,	464	1-2	18	251	5382	3647	Feb. 18,	80	1	18	319	3994	2716
June 23,	465	1-3	18	251	4832	3361	Feb. 18,	80	1	18	320	4037	2747
June 23,	468	1	18	252	1052	730	Feb. 18,	80	1	18	320	4250	2929
June 23,	476	1	18	275	3684	2458	Feb. 18,	80	1	18	320	4289	2945
June 23,	476	2	18	276	—	2513	Feb. 18,	80	1	18	320	4360	2980
June 23,	486	1	18	282	1663	1136	Feb. 18,	80	1	18	320	5183	3482
Dec. 28,	9	1	18	293	—	3760	Feb. 18,	80	1	18	320	5196	3493
Dec. 28,	9	1	18	294	204	103	Feb. 18,	80	1	18	320	5224	3504



Date of Act.	Stat. at Large.				Under Sec. R. S.	Page.	Date of Act.	Stat. at Large.				Under Sec. R. S.	Page.
	Chap.	Sec.	Vol.	Page.				Chap.	Sec.	Vol.	Page.		
<b>1875</b>							<b>1875</b>						
Feb. 18, 80		1	18	320	5228	3506	Mch. 3, 133	1	18	455	1673	1141	
Feb. 18, 80		1	18	320	5287	3601	Mch. 3, 133	2	18	455	3717	2496	
Feb. 18, 80		1	18	320	5452	3680	Mch. 3, 135	1	18	466	1314	930	
Feb. 18, 80		1	18	320	5413	3662	Mch. 3, 135	1	18	467	1337	937	
Feb. 18, 80		1	18	320	5504	3710	Mch. 3, 135	1	18	467	1339	938	
Feb. 18, 84		2	18	329	—	3760	Mch. 3, 136	1	18	469	3011	1986	
Feb. 19, 89		1	18	329	5240	3516	Mch. 3, 136	2	18	469	249	137	
Feb. 22, 95		1	18	333	846	648	Mch. 3, 136	3-4	18	469	3011	1987	
Feb. 22, 95		2	18	333	796	620	Mch. 3, 137	1-10	18	470	629	508	
Feb. 22, 95		3	18	333	795	619	Mch. 3, 138	1-2	18	473	5343	3629	
Feb. 22, 95		4	18	333	846	649	Mch. 3, 141	1-2	18	477	2163	1285	
Feb. 22, 95		5-6	18	334	798	621	Mch. 3, 141	3	18	477	2164	1286	
Feb. 22, 95		7-8	18	334	846	649	Mch. 3, 141	4	18	477	2163	1286	
Feb. 23, 99		1	18	334	2490	1591	Mch. 3, 141	5	18	477	2164	1287	
Mch. 1, 114		1-5	18	335	1977	1260	Mch. 3, 144	1-2	18	479	5439	3675	
Mch. 1, 115		1	18	337	1342	973	Mch. 3, 145	1-2	18	479	5544	3722	
Mch. 2, 119		1	18	338	127	64	Mch. 3, 146	1	18	480	2517	1714	
Mch. 2, 119		2	18	338	107	59	Mch. 3, 147	1	18	480	2544	1742	
Mch. 3, 127		2	18	339	3394	2221	Mch. 3, 149	1	18	481	1089	746	
Mch. 3, 128		1	18	340	3852	2618	Mch. 3, 150	1	18	481	2566	1761	
Mch. 3, 128		1	18	341	4002	2720	Mch. 3, 151	1-3	18	481	5388	3649	
Mch. 3, 128		1	18	342	3827	2604	Mch. 3, 152	1-6	18	482	2477	1568	
Mch. 3, 128		5-7	18	343	8918	2672	Mch. 3, 153	1	18	483	1675	1150	
Mch. 3, 129		1	18	345	52	27	Mch. 3, 153	1	18	483	1676	1153	
Mch. 3, 129		1	18	345	1823	1243	Mch. 3, 153	1	18	484	1682	1155	
Mch. 3, 129		1	18	349	201	102	Mch. 3, 154	1	18	484	3342	2189	
Mch. 3, 129		1	18	352	338	196	Mch. 3, 155	1	18	484	1422	1000	
Mch. 3, 129		1	18	359	4831	3343	Mch. 3, 156	3-8	18	485	4806	3324	
Mch. 3, 129		3	18	370	3669	2445	Mch. 3, 157	1	18	486	1690	1171	
Mch. 3, 130		1	18	371	4249	2912	Mch. 3, 167	1	18	507	3412	2249	
Mch. 3, 130		1	18	372	—	2513	Mch. 3, 178	2	18	512	1254	887	
Mch. 3, 130		1	18	372	5172	3478	Mch. 3, 179	1	18	512	94	51	
Mch. 3, 130		1	18	373	3578	2393	<b>1876</b>						
Mch. 3, 130		1	18	374	4744	3277	Feb. 1, 5	1	19	2	2165	1331	
Mch. 3, 130		1	18	376	1815	1236	Feb. 1, 6	1	19	2	4130	2783	
Mch. 3, 130		1	18	377	1687	1157	Feb. 18, 11	1-2	19	4	658	541	
Mch. 3, 130		1	18	377	4802	3321	Feb. 18, 12	1	19	4	1690	1172	
Mch. 3, 130		1	18	384	2400	1475	Apr. 13, 56	1	19	32	1044	725	
Mch. 3, 130		1	18	388	1673	1145	Apr. 17, 63	2	19	33	3575	2390	
Mch. 3, 130		1	18	389	38	17	Apr. 18, 66	1-2	19	34	29	13	
Mch. 3, 130		2	18	396	235	124	Apr. 21, 72	1-3	19	35	2490	1593	
Mch. 3, 130		3	18	399	5192	3489	Apr. 27, 84	1	19	38	2403	1478	
Mch. 3, 130		6	18	400	25	12	Apr. 29, 86	1	19	41	1825	1244	
Mch. 3, 130		8	18	401	643	521	May 1, 88	1	19	41	104	56	
Mch. 3, 130		8	18	401	771	602	May 1, 89	1-3	19	49	2786	1868	
Mch. 3, 130		9	18	371	—	3760	May 5, 91	1	19	52	2345	1439	
Mch. 3, 130		10	18	401	2688	1833	May 13, 95	1	19	53	3339	2187	
Mch. 3, 130		12	18	402	490	275	May 23, 103	1	19	54	1835	1247	
Mch. 3, 131		1	18	410	1144	827	June 20, 136	1	19	60	2866	1905	
Mch. 3, 131		4	18	415	3654	2428	June 26, 147	1-2	19	61	533	328	
Mch. 3, 131		12	18	419	3309	2158	June 26, 147	4	19	62	533	329	
Mch. 3, 131		14	18	420	440	251	June 30, 156	1-3	19	63	5238	3500	
Mch. 3, 131		15-16	18	420	2312	1419	June 30, 156	4	19	64	5205	3495	
Mch. 3, 132		6	18	450	3678	2454	June 30, 156	5	19	64	3583	2398	
Mch. 3, 132		7	18	450	3743	2510	June 30, 156	6	19	64	5213	3500	
Mch. 3, 132		8	18	450	445	254	June 30, 159	1	19	66	1417	1005	
Mch. 3, 132		9	18	450	3731	2504	June 30, 159	1	19	69	1546	1062	
Mch. 3, 133		1	18	452	1765	1207	July 4, 165	1	19	73	2303	1411	
Mch. 3, 133		1	18	453	5260	3568	July 12, 179	1	19	79	4004	2721	

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July 12, 179	179	11	19	82	3859	2624	Feb. 27, 69	1	19	242	1132	821	
July 12, 179	179	13	19	82	4004	2722	Feb. 27, 69	1	19	242	1136	824	
July 12, 179	179	14	19	82	3918	2681	Feb. 27, 69	1	19	242	1137	825	
July 12, 179	179	15	19	82	3916	2679	Feb. 27, 69	1	19	242	1139	825	
July 12, 183	183	1	19	88	5546	3723	Feb. 27, 69	1	19	242	1162	832	
July 12, 185	185	1	19	90	4356	2978	Feb. 27, 69	1	19	242	1163	832	
July 12, 186	186	1	19	90	3893	2658	Feb. 27, 69	1	19	242	1167	833	
July 12, 186	186	2	19	90	3894	2659	Feb. 27, 69	1	19	243	1174	837	
July 24, 226	226	1	19	99	4876	3377	Feb. 27, 69	1	19	243	1191	844	
July 24, 226	226	2	19	100	1273	902	Feb. 27, 69	1	19	243	1220	858	
July 24, 226	226	3	19	100	1113	812	Feb. 27, 69	1	19	243	1221	859	
July 29, 239	239	1	19	102	1265	897	Feb. 27, 69	1	19	243	1224	861	
July 31, 246	246	1	19	105	3827	2605	Feb. 27, 69	1	19	243	1270	890	
July 31, 246	246	1	19	107	2752	1852	Feb. 27, 69	1	19	243	1279	907	
July 31, 246	246	1	19	108	4858	*659	Feb. 27, 69	1	19	243	1280	907	
July 31, 246	246	1	19	115	1799	1231	Feb. 27, 69	1	19	244	1289	915	
July 31, 246	246	1	19	121	2207	1356	Feb. 27, 69	1	19	244	1290	916	
July 31, 246	246	1	19	121	2256	1378	Feb. 27, 69	1	19	244	1337	937	
July 31, 246	246	1	19	121	2400	1475	Feb. 27, 69	1	19	244	1342	949	
Aug. 7, 255	255	1	19	126	1309	928	Feb. 27, 69	1	19	244	1342	951	
Aug. 11, 260	260	1	19	129	3951	2699	Feb. 27, 69	1	19	244	1375	992	
Aug. 11, 260	260	1	19	129	3945	2696	Feb. 27, 69	1	19	244	1480	1033	
Aug. 11, 260	260	1	19	129	3954	2700	Feb. 27, 69	1	19	244	2034	1276	
Aug. 12, 263	263	1	19	131	1112	811	Feb. 27, 69	1	19	244	2450	1518	
Aug. 14, 267	267	3	19	139	5255	3532	Feb. 27, 69	1	19	244	2451	1518	
Aug. 14, 270	270	2	19	139	2730	1845	Feb. 27, 69	1	19	245	2517	1712	
Aug. 15, 287	287	1	19	144	1826	1245	Feb. 17, 69	1	19	245	2517	1713	
Aug. 15, 287	287	1	19	145	47	20	Feb. 17, 69	1	19	245	2517	1714	
Aug. 15, 287	287	1	19	147	1816	1237	Feb. 27, 69	1	19	245	2518	1715	
Aug. 15, 287	287	1	19	149	235	127	Feb. 27, 69	1	19	245	2527	1722	
Aug. 15, 287	287	1	19	152	3157	2050	Feb. 27, 69	1	19	245	2530	1724	
Aug. 15, 287	287	1	19	152	3159	2055	Feb. 27, 69	1	19	245	2536	1734	
Aug. 15, 287	287	1	19	152	3446	2275	Feb. 27, 69	1	19	245	2545	1742	
Aug. 15, 287	287	1	19	155	3595	2406	Feb. 27, 69	1	19	245	2555	1750	
Aug. 15, 287	287	1	19	158	3495	2335	Feb. 27, 69	1	19	245	2578	1772	
Aug. 15, 287	287	3	19	169	166	84	Feb. 27, 69	1	19	245	2579	1774	
Aug. 15, 287	287	5	19	169	1760	1204	Feb. 27, 69	1	19	245	2582	1777	
Aug. 15, 287	287	6	19	169	1790	1215	Feb. 27, 69	1	19	245	2587	1785	
Aug. 15, 289	289	3	19	199	469	266	Feb. 27, 69	1	19	245	2598	1791	
Aug. 15, 289	289	4	19	200	3668	2444	Feb. 27, 69	1	19	245	2619	1807	
Aug. 15, 300	300	1-2	19	203	4791	3304	Feb. 27, 69	1	19	246	2659	1824	
Aug. 15, 304	304	1	19	206	863	662	Feb. 27, 69	1	19	246	2660	1826	
1877													
Jan. 12, 18	18	1	19	221	2464	1547	Feb. 27, 69	1	19	246	2675	1829	
Jan. 12, 18	18	2	19	221	2359	1447	Feb. 27, 69	1	19	246	2691	1834	
Jan. 16, 24	24	1	19	223	5457	3683	Feb. 27, 69	1	19	246	2702	1837	
Jan. 19, 27	27	1	19	223	474	269	Feb. 27, 69	1	19	246	2720	1842	
Jan. 31, 41	41	1	19	230	556	451	Feb. 27, 69	1	19	246	2742	1848	
Feb. 27, 69	69	1	19	241	197	97	Feb. 27, 69	1	19	246	2746	1849	
Feb. 27, 69	69	1	19	241	215	110	Feb. 27, 69	1	19	246	2819	1880	
Feb. 27, 69	69	1	19	241	225	118	Feb. 27, 69	1	19	246	2820	1880	
Feb. 27, 69	69	1	19	241	259	145	Feb. 27, 69	1	19	246	2822	1880	
Feb. 27, 69	69	1	19	241	325	192	Feb. 27, 69	1	19	247	2826	1882	
Feb. 27, 69	69	1	19	241	637	519	Feb. 27, 69	1	19	247	2865	1905	
Feb. 27, 69	69	1	19	241	838	644	Feb. 27, 69	1	19	247	2978	1952	
Feb. 27, 69	69	1	19	241	1097	807	Feb. 27, 69	1	19	247	2984	1953	
Feb. 27, 69	69	1	19	242	1110	810	Feb. 27, 69	1	19	247	2988	1960	
Feb. 27, 69	69	1	19	242	1118	814	Feb. 27, 69	1	19	247	2989	1960	
							Feb. 27, 69	1	19	247	8001	1960	

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Feb. 27, 69	69	1	19	247	3002	1981	Feb. 27, 69	69	1	19	252	4791	3303
Feb. 27, 69	69	1	19	247	3003	1981	Feb. 27, 69	69	1	19	252	5174	3478
Feb. 27, 69	69	1	19	247	3009	1984	Feb. 27, 69	69	1	19	252	5211	3498
Feb. 27, 69	69	1	19	247	3083	2014	Feb. 27, 69	69	1	19	252	5225	3504
Feb. 27, 69	69	1	19	248	3090	2017	Feb. 27, 69	69	1	19	252	5269	3582
Feb. 27, 69	69	1	19	248	3100	2027	Feb. 27, 69	69	1	19	252	5291	3602
Feb. 27, 69	69	1	19	248	3105	2029	Feb. 27, 69	69	1	19	253	5293	3605
Feb. 27, 69	69	1	19	248	3120	2034	Feb. 27, 69	69	1	19	253	5413	3662
Feb. 27, 69	69	1	19	248	3140	2040	Feb. 27, 69	69	1	19	253	5455	3682
Feb. 27, 69	69	1	19	248	3141	2040	Feb. 27, 69	69	1	19	253	5479	3696
Feb. 27, 69	69	1	19	248	3168	2059	Feb. 27, 69	69	1	19	253	5579	3742
Feb. 27, 69	69	1	19	248	3197	2077	Feb. 27, 69	69	1	19	256	4440	3036
Feb. 27, 69	69	1	19	248	3226	2088	Feb. 27, 69	69	1	19	256	4441	3036
Feb. 27, 69	69	1	19	248	3239	2093	Feb. 27, 69	69	1	19	262	5292	3604
Feb. 27, 69	69	1	19	248	3310	2159	Feb. 28, 73	73	1	19	264	4698	8236
Feb. 27, 69	69	1	19	248	3318	2164	Feb. 28, 74	74	1	19	264	2457	1520
Feb. 27, 69	69	1	19	248	3355	2196	Mch. 2, 82	82	1-5	19	268	—	8761
Feb. 27, 69	69	1	19	248	3362	2200	Mch. 3, 102	102	1	19	303	8141	2041
Feb. 27, 69	69	1	19	248	3433	2254	Mch. 3, 102	102	1	19	306	193	96
Feb. 27, 69	69	1	19	249	3456	2280	Mch. 3, 102	102	1	19	310	1342	970
Feb. 27, 69	69	1	19	249	3473	2319	Mch. 3, 102	102	1	19	315	2255	1375
Feb. 27, 69	69	1	19	249	3536	2364	Mch. 3, 103	103	2-4	19	335	389	218
Feb. 27, 69	69	1	19	249	3561	2374	Mch. 3, 103	103	5-7	19	335	3913	2673
Feb. 27, 69	69	1	19	249	3568	2376	Mch. 3, 105	105	1	19	344	981	705
Feb. 27, 69	69	1	19	249	3618	2414	Mch. 3, 105	105	1	19	348	1817	1238
Feb. 27, 69	69	1	19	249	3620	2415	Mch. 3, 105	105	1	19	353	3578	2393
Feb. 27, 69	69	1	19	249	3622	2416	Mch. 3, 106	106	1	19	370	—	2514
Feb. 27, 69	69	1	19	249	3625	2418	Mch. 3, 107	107	1-3	19	377	2464	1548
Feb. 27, 69	69	1	19	249	3663	2436	Mch. 3, 111	111	1	19	390	1556	1071
Feb. 27, 69	69	1	19	249	3673	2447	Mch. 3, 113	113	1	19	392	2394	1460
Feb. 27, 69	69	1	19	249	3692	2474	Mch. 3, 113	113	3-4	19	392	2394	1461
Feb. 27, 69	69	1	19	249	3714	2489	Mch. 3, 114	114	1-11	19	393	3296	2137
Feb. 27, 69	69	1	19	249	3740	2508	Mch. 3, 116	116	1	19	395	2490	1592
Feb. 27, 69	69	1	19	249	3741	2509	Mch. 3, 120	120	1	19	403	4716	3256
Feb. 27, 69	69	1	19	249	3742	2509	Mch. 3, 121	121	1	19	403	4728	3263
Feb. 27, 69	69	1	19	249	3743	2510	Mch. 3, 122	122	1-2	19	403	2291	1301
Feb. 27, 69	69	1	19	250	4219	2848	<b>1878</b>						
Feb. 27, 69	69	1	19	251	4284	2943	Feb. 11, 14	14	1	20	24	1690	1172
Feb. 27, 69	69	1	19	251	4290	2948	Feb. 28, 20	20	1	20	25	3513	2346
Feb. 27, 69	69	1	19	251	4318	2961	Feb. 28, 20	20	3-4	20	26	3513	2347
Feb. 27, 69	69	1	19	251	4319	2961	Mch. 8, 25	25	1	20	26	4778	3293
Feb. 27, 69	69	1	19	251	4320	2962	Mch. 9, 26	26	1	20	27	—	3762
Feb. 27, 69	69	1	19	251	4381	2987	Mch. 9, 28	28	1-7	20	27	4740	3270
Feb. 27, 69	69	1	19	251	4390	2997	Mch. 16, 37	37	1	20	30	858	660
Feb. 27, 69	69	1	19	251	4409	3019	Apr. 10, 58	58	1	20	36	3717	2497
Feb. 27, 69	69	1	19	251	4415	3023	Apr. 29, 66	66	1-6	20	37	4796	3307
Feb. 27, 69	69	1	19	251	4420	3026	Apr. 30, 76	76	2	20	46	2463	1528
Feb. 27, 69	69	1	19	251	4421	3027	Apr. 30, 77	77	2	20	524	300b	178
Feb. 27, 69	69	1	19	252	4467	3048	May 3, 88	88	1	20	48	3297	2148
Feb. 27, 69	69	1	19	252	4472	3050	May 4, 91	91	1	20	50	1367	986
Feb. 27, 69	69	1	19	252	4490	3057	May 4, 91	91	1	20	51	432	246
Feb. 27, 69	69	1	19	252	4513	3070	May 7, 96	96	1-13	20	58	5200	3569
Feb. 27, 69	69	1	19	252	4522	3074	May 16, 106	106	1	20	61	1667	1138
Feb. 27, 69	69	1	19	252	4575	3103	May 17, 107	107	2-3	20	62	3963	2704
Feb. 27, 69	69	1	19	252	4605	3118	May 17, 107	107	5-6	20	62	3963	2705
Feb. 27, 69	69	1	19	252	4658	3141	May 31, 146	146	1	20	87	3582	2397
Feb. 27, 69	69	1	19	252	4768	3288	June 3, 150	150	1-3	20	88	2463	1528
Feb. 27, 69	69	1	19	252	4787	3302	June 3, 151	151	1-3	20	89	2464	1545
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June 8, 152		1	20	91	2291	Feb. 3, 43		1-2	20	280	534
June 8, 169		1-4	20	101	544	Feb. 3, 44		1	20	281	4877
June 8, 169		6-7	20	102	544	Feb. 4, 45		1	20	281	3835
June 8, 170		1	20	102	254	Feb. 14, 68		1	20	288	3676
June 11, 181		1	20	110	1329	Feb. 14, 68		1	20	290	1528
June 14, 191		4	20	115	3691	Feb. 15, 81		1	20	292	747
June 14, 193		1	20	131	4127	Feb. 15, 83		2	20	294	1411
June 14, 196		1-4	20	132	552	Feb. 21, 95		4	20	317	3865
June 17, 259		1	20	140	4017	Feb. 24, 97		1-5	20	318	548
June 17, 259		1	20	141	3845	Feb. 24, 97		7-9	20	320	548
June 17, 259		1	20	141	3920	Feb. 26, 103		1	20	322	2659
June 17, 259		1	20	142	4004	Feb. 26, 105		1	20	322	1393
June 17, 259		2	20	143	405	Feb. 28, 112		1	20	324	2535
June 17, 260		1	20	143	1506	Mch. 1, 125		1	20	327	3169
June 17, 260		1	20	143	1513	Mch. 1, 125		2	20	327	797
June 17, 261		1	20	144	4698	Mch. 1, 125		2	20	327	3143
June 18, 263		2	20	149	1219	Mch. 1, 125		2	20	328	3144
June 18, 263		3	20	150	1215	Mch. 1, 125		2	20	328	3149
June 18, 263		5	20	150	1240	Mch. 1, 125		2	20	328	3163
June 18, 263		7	20	150	1244	Mch. 1, 125		2	20	329	3145
June 18, 263		8-9	20	150	1270	Mch. 1, 125		2	20	330	3145
June 18, 263		15	20	152	5299	Mch. 1, 125		2	20	329	3152
June 18, 265		1	20	163	4249	Mch. 1, 125		2	20	329	3165
June 18, 265		3-12	20	163	4249	Mch. 1, 125		2	20	329	3171
June 18, 267		1	20	165	1504	Mch. 1, 125		3	20	330	3173
June 18, 268		1	20	166	4695	Mch. 1, 125		3	30	331	3176
June 19, 311		1-2	20	167	429	Mch. 1, 125		3	20	331	3183
June 19, 312		1-3	20	167	3673	Mch. 1, 125		3	20	331	3186
June 19, 316		1-7	20	169	—	Mch. 1, 125		3	20	331	3197
June 19, 318		1	20	171	4223	Mch. 1, 125		3	20	332	3203
June 19, 322		1	20	173	543	Mch. 1, 125		3	20	332	3208
June 19, 324		1	20	175	4130	Mch. 1, 125		3	20	333	3223
June 19, 326		1-6	20	175	538	Mch. 1, 125		4	20	333	3244
June 19, 326		8-9	20	177	538	Mch. 1, 125		4	20	333	3244
June 19, 329		1	20	183	450	Mch. 1, 125		5	20	334	3246
June 19, 329		1	20	187	3157	Mch. 1, 125		5	20	336	3255
June 19, 329		1	20	191	3545	Mch. 1, 125		5	20	334	3264
June 19, 329		1	20	191	3546	Mch. 1, 125		5	20	335	3276
June 19, 329		1	20	203	3683	Mch. 1, 125		5	20	335	3282
June 19, 329		1	20	205	349	Mch. 1, 125		5	20	336	3286
June 20, 359		1	20	216	3827	Mch. 1, 125		5	20	335	3287
June 20, 359		1	20	219	1287	Mch. 1, 125		5	20	336	3293
June 20, 359		1	20	220	1827	Mch. 1, 125		5	21	337	3294
June 20, 359		1	20	223	1673	Mch. 1, 125		5	20	337	3301
June 20, 359		1	20	235	547	Mch. 1, 125		5	20	339	3314
June 20, 359		1	20	240	3921	Mch. 1, 125		5	20	338	3315
June 20, 366		1	20	243	2517	Mch. 1, 125		5	20	339	3317
Dec. 16, 5		1	20	258	2475	*356	Mch. 1, 125	5	20	339	3318
<b>1879</b>						Mch. 1, 125		5	20	339	3332
Jan. 25, 23		1-2	20	265	4713	Mch. 1, 125		5	20	340	3334
Jan. 25, 23		4	20	265	4785	Mch. 1, 125		5	20	340	3346
Jan. 25, 23		5	20	265	4713	Mch. 1, 125		6	20	340	3309
Jan. 27, 28		1	20	267	1712	Mch. 1, 125		6	20	341	3221
Jan. 28, 30		1-4	20	274	2448	Mch. 1, 125		8	20	341	3259
Jan. 31, 39		1	20	277	902	Mch. 1, 125		9	20	341	1016
Jan. 31, 39		2	20	277	903	Mch. 1, 125		10	20	342	3244
Jan. 31, 39		3	20	277	904	Mch. 1, 125		10	20	342	3330
Feb. 3, 40		1-2	20	278	104	56	Mch. 1, 125	10	20	342	3340

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Mch. 1, 125	11-13	20	342	2965	1947	Mch. 3, 183	1	20	419	76	43		
Mch. 1, 125	14	20	343	3344	2099	Mch. 3, 183	1	20	420	5260	3574		
Mch. 1, 125	14	20	344	3355	2196	Mch. 3, 186	1-5	20	468	—	3372		
Mch. 1, 125	14	20	345	3360	2199	Mch. 3, 187	1	20	470	4713	3252		
Mch. 1, 125	14	20	345	3362	2200	Mch. 3, 187	2	20	470	4709	3248		
Mch. 1, 125	14	20	346	3371	2205	Mch. 3, 191	1	20	472	2298	1401		
Mch. 1, 125	14	20	346	3377	2207	Mch. 3, 192	1	20	472	2291	1392		
Mch. 1, 125	15	20	346	3383	2210	Mch. 3, 200	1	20	484	4698	3237		
Mch. 1, 125	15	20	346	3384	2211	May 12, 5	1	21	3	1417	1005		
Mch. 1, 125	16	20	347	3386	2215	May 12, 5	1	21	3	1418	1007		
Mch. 1, 125	16	20	347	3387	2217	May 12, 5	1	21	3	1419	1007		
Mch. 1, 125	16	20	347	3389	2218	May 12, 5	1	21	3	1420	1008		
Mch. 1, 125	16	20	347	3392	2219	May 12, 5	1	21	3	1624	1110		
Mch. 1, 125	16	20	347	3393	2220	May 17, 8	1	21	4	5440	3676		
Mch. 1, 125	16	20	348	3397	2222	June 9, 12	1-2	21	7	3527	2361		
Mch. 1, 125	18	20	351	3446	2274	June 9, 12	3	21	8	3586	2401		
Mch. 1, 125	20	20	351	3297	2149	June 9, 12	4	21	8	3527	2361		
Mch. 1, 125	21	20	351	3339	2188	June 11, 18	1-2	21	10	548	426		
Mch. 1, 125	22	20	351	3417	2251	June 11, 18	4-5	21	10	548	427		
Mch. 1, 125	23	20	352	3169	2062	June 12, 20	1	21	11	3951	2700		
Mch. 3, 170	1	20	352	2403	1478	June 14, 23	1	21	20	3282	2129		
Mch. 3, 173	1	20	353	1176	838	June 21, 34	2	21	27	3157	2051		
Mch. 3, 177	1-2	20	355	537	354	June 21, 34	3	21	30	3575	2392		
Mch. 3, 180	1	20	356	3982	2712	June 21, 34	3	21	30	4771	3289		
Mch. 3, 180	1	20	357	3668	2444	June 23, 35	1	21	31	1270	900		
Mch. 3, 180	1	20	357	3860	2624	June 23, 35	1	21	31	5268	3581		
Mch. 3, 180	3	20	358	4000	2719	June 23, 35	1	21	33	4837	3351		
Mch. 3, 180	4	20	358	4005	2723	June 23, 35	2	21	30	1342	978		
Mch. 3, 180	6	20	358	3998	2718	June 23, 35	4	21	34	1309	928		
Mch. 3, 180	7-8	20	358	3875	2646	June 23, 35	4	21	34	1336	936		
Mch. 3, 180	9	20	358	3902	2665	June 23, 35	8	21	35	1136	824		
Mch. 3, 180	10	20	359	3875	2646	June 28, 43	1-7	21	37	5255	3528		
Mch. 3, 180	12	20	359	3875	2647	June 30, 49	1	21	41	572	475		
Mch. 3, 180	13	20	359	5465	3690	June 30, 52	2	21	43	800	624		
Mch. 3, 180	14-19	20	359	3875	2647	June 30, 52	2	21	43	852	656		
Mch. 3, 180	21-24	20	360	3875	2649	June 30, 52	3	21	43	384	214		
Mch. 3, 180	25	20	361	3905	2668	June 30, 54	1	21	44	4385	2995		
Mch. 3, 180	26-27	20	361	3898	2664	July 1, 60	1	21	46	2298	1402		
Mch. 3, 180	28	20	362	3925	2684	July 1, 62	1	21	47	3751	2529		
Mch. 3, 180	29	20	362	3913	2673	July 1, 63	1-2	21	48	2297	1399		
Mch. 3, 180	30	20	362	3955	2701	Dec. 20, 1	1-2	21	59	3330	2179		
Mch. 3, 180	31	20	362	3858	2623	Dec. 22, 2	1	21	59	3578	2394		
Mch. 3, 180	32	20	362	3916	2680	1880							
Mch. 3, 180	33	20	363	3875	2651	Jan. 22, 9	2	21	61	2324	1426		
Mch. 3, 182	1	20	379	3678	2453	Jan. 22, 9	2	21	61	2325	1429		
Mch. 3, 182	1	20	383	3545	2368	Jan. 24, 13	1	21	62	2547	1743		
Mch. 3, 182	1	20	383	3751	2528	Jan. 29, 17	1-5	21	62	535	334		
Mch. 3, 182	1	20	386	3687	2460	Jan. 29, 17	7-9	21	63	535	335		
Mch. 3, 182	1	20	388	1799	1231	Feb. 4, 18	1-5	21	63	544	403		
Mch. 3, 182	1	20	390	4831	3344	Feb. 4, 18	7-9	21	64	544	404		
Mch. 3, 182	1	20	391	1815	1236	Feb. 14, 25	1	21	66	5186	3483		
Mch. 3, 182	1	20	391	1816	1237	Feb. 24, 30	1	21	66	2569	1770		
Mch. 3, 182	1	20	394	—	1488	Mch. 10, 37	1	21	67	3020	1991		
Mch. 3, 182	1	20	395	4858	3363	Apr. 7, 48	2	21	72	3961	2703		
Mch. 3, 182	1	20	397	5586	3747	Apr. 20, 58	1-3	21	76	533	330		
Mch. 3, 182	1	20	400	130	65	May 3, 73	1	21	86	1581	1084		
Mch. 3, 182	2	20	402	2033	1274	May 4, 81	1	21	110	1260	890		
Mch. 3, 183	1	20	410	1667	1139	May 14, 89	1-3	21	140	2291	1392		
Mch. 3, 183	1	20	415	749	591	May 18, 95	1	21	141	5255	3524		

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May 27, 105	1-4	21	142	2446	1502		Feb. 1, 33	1	21	322	3495	2335	
May 27, 106	1	21	143	2552	1745		Feb. 8, 34	1	21	322	3063	2008	
May 27, 106	3	21	143	2553	1748		Feb. 17, 60	1	21	325	2517	1711	
May 28, 108	1	21	145	3260	2114		Feb. 17, 60	1	21	325	2517	1712	
May 28, 108	2	21	145	3262	2115		Feb. 17, 60	2	21	326	2518	1715	
May 28, 108	3	21	145	3285	2129		Feb. 23, 71	1	21	330	540	398	
May 28, 108	4	21	145	3293	2133		Feb. 23, 73	1	21	331	3666	2441	
May 28, 108	5	21	146	3294	2135		Feb. 23, 73	2	21	338	1418	1007	
May 28, 108	6	21	147	3287	2130		Feb. 23, 73	2	21	338	1419	1007	
May 28, 108	7	21	147	3310	2159		Feb. 23, 73	2	21	338	1420	1008	
May 28, 108	8	21	147	3309	2158		Feb. 24, 79	1	21	347	1270	900	
May 28, 108	10	21	148	3329	2175		Feb. 26, 80	2	21	350	4832	3345	
May 28, 108	11	21	148	3330	2176		Feb. 26, 82	1	21	352	5211	3499	
May 28, 108	12	21	148	2965	1948		Feb. 28, 91	1	21	373	2568	1765	
May 28, 108	18	21	148	2965	1948		Feb. 28, 92	1	21	373	2559	1753	
May 28, 108	14	21	148	3297	2149		Mch. 1, 95	1	21	374	3524	2352	
May 28, 108	15	21	145	3330	2180		Mch. 1, 96	1	21	374	3941	2692	
May 28, 108	16	21	148	3314	2162		Mch. 1, 96	1	21	374	4017	2734	
May 28, 108	18	21	149	3244	2101		Mch. 1, 96	1	21	375	4004	2722	
May 28, 108	19	21	150	3330	2181		Mch. 2, 107	1-2	21	377	4179	2832	
May 31, 113	1	21	151	4398	3002		Mch. 2, 111	1	21	379	4249	2917	
June 1, 115	1	21	153	1309	928		Mch. 3, 130	1	21	388	1817	1238	
June 4, 121	1	21	156	4858	3364		Mch. 3, 130	1	21	409	—	283	
June 8, 129	1	21	164	415	234		Mch. 3, 130	1	21	412	397	225	
June 8, 136	1	21	166	2292	1395		Mch. 3, 130	1	21	412	554	450	
June 9, 161	1	21	167	3335	2212		Mch. 3, 132	1	21	414	4839	3355	
June 9, 161	2	21	168	3357	2198		Mch. 3, 132	2	21	429	2737	1847	
June 9, 164	1	21	169	2301	1407		Mch. 3, 133	1	21	435	4249	2917	
June 9, 166	1	21	170	4729	3264		Mch. 3, 133	1	21	447	3527	2361	
June 10, 189	1-2	21	173	2737	1847		Mch. 3, 133	1	21	454	596	482	
June 10, 190	1-9	21	173	2990	1963		Mch. 3, 133	2	21	457	3697	2478	
June 10, 190	10	21	175	2981	1953		Mch. 3, 138	1-13	21	502	4937	3401	
June 10, 190	11	21	175	2990	1968		Mch. 3, 140	1	21	505	2326	1431	
June 11, 203	2-8	21	175	547	415		Mch. 3, 141	1	21	505	1536	1055	
June 11, 203	10	21	176	547	417		Mch. 3, 144	1-3	21	507	537	363	
June 11, 206	1	21	177	4017	2733		Mch. 3, 144	5-7	21	507	537	364	
June 11, 206	1	21	179	3916	2680		Mch. 3, 150	1	21	510	1486	1035	
June 14, 213	1	21	198	548	425		Mch. 3, 153	1	21	511	2297	1398	
June 14, 213	2	21	198	548	423		Mch. 3, 154	1-2	21	511	536	348	
June 14, 214	1	21	198	2990	1963		Mch. 3, 156	1	21	512	2601	1795	
June 15, 225	1	21	226	3687	2460		<b>1882</b>						
June 15, 227	3-4	21	238	2357	1445		Mch. 6, 25	1	22	13	2581	1775	
June 16, 235	1	21	262	4672	8146		Mch. 17, 41	1-2	22	29	3848	2616	
June 16, 235	1	21	263	4680	8148		Mch. 22, 47	1-8	22	30	5352	3633	
June 16, 235	1	21	271	211	106		Mch. 23, 48	3	22	32	806	626	
June 16, 235	1	21	274	—	1489		Apr. 18, 83	1	22	47	2569	1769	
June 16, 235	1	21	275	4843	*652		Apr. 25, 88	1	22	48	2586	1780	
June 16, 235	1	21	275	4864	3367		Apr. 25, 88	2	22	48	2587	1784	
June 16, 235	1	21	276	526	289		Apr. 25, 87	1-3	22	47	535	335	
June 16, 236	1-2	21	281	4698	3237		Apr. 25, 89	1	22	49	3066	2008	
June 16, 239	1	21	283	2568	1764		Apr. 26, 106	1	22	49	2326	1431	
June 16, 244	1-4	21	287	2306	1415		Apr. 26, 106	2	22	49	2321	1425	
June 16, 252	1	21	294	527	291		May 1, 111	1	22	52	1159	831	
Dec. 17, 2	1	21	311	2238	1367		May 1, 112	1	22	52	5254	3523	
<b>1881</b>							May 4, 116	1	22	53	3963	2708	
Jan. 13, 19	1	21	315	2490	1594		May 4, 116	1	22	54	3848	2617	
Jan. 20, 24	1	21	317	1400	998		May 4, 117	1-11	22	55	4249	2917	
Jan. 21, 25	1-2	21	317	3827	2605		May 6, 126	1-3	22	58	2164	1305	
Jan. 31, 82	1-3	21	603	1790	1216		May 6, 126	6-13	22	60	2164	1307	

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May 6, 126		14	22	61	2169	1333	Aug. 5, 391		1	22	285	1512	1042
May 6, 126		15	22	61	2164	1311	Aug. 5, 391		1	22	285	1521	1046
May 6, 126		16	23	118	2164	1311	Aug. 5, 391		1	22	285	1556	1071
May 19, 172		2	22	93	1661	1131	Aug. 5, 391		1	22	286	1447	1021
May 26, 190		1	22	97	3518	2350	Aug. 5, 391		1	22	286	1459	1025
June 15, 218		1-5	22	101	539	377	Aug. 5, 391		1	22	286	1566	1077
June 15, 218		7	22	103	539	379	Aug. 5, 391		1	22	289	1546	1062
June 15, 218		10	22	103	539	380	Aug. 5, 391		2	22	296	1541	1058
June 15, 219		1	22	103	2552	1746	Aug. 5, 393		1	22	298	4937	3404
June 15, 219		3	22	104	2553	1749	Aug. 5, 395		1	22	299	1663	1137
June 16, 223		1	22	105	2582	1777	Aug. 5, 398		1	22	300	4153	2818
June 16, 223		1	22	105	2583	1779	Aug. 5, 398		2	22	300	4154	2821
June 16, 223		1	22	105	2607	1800	Aug. 5, 398		3	22	300	4186	2835
June 16, 223		1	22	105	2684	1831	Aug. 5, 399		1	22	301	1675	1152
June 22, 236		1	22	108	56	33	Aug. 7, 433		1	22	302	3653	2427
June 30, 254		1	22	118	1244	885	Aug. 7, 433		1	22	305	—	2515
June 30, 254		1	22	118	1262	896	Aug. 7, 433		1	22	306	3654	2428
June 30, 254		1	22	118	1270	900	Aug. 7, 433		1	22	310	4429	3030
June 30, 254		1	22	118	1275	906	Aug. 7, 433		1	22	319	3751	2529
June 30, 254		1	22	120	5260	3574	Aug. 7, 433		1	22	322	4832	3345
June 30, 254		1	22	121	2475	*357	Aug. 7, 433		1	22	324	1546	1062
June 30, 254		3	22	122	1302	923	Aug. 7, 433		1	22	327	2403	1479
June 30, 255		1	22	123	1339	938	Aug. 7, 433		1	22	330	4852	3361
June 30, 255		1	22	123	1341	939	Aug. 7, 433		1	22	330	4858	3364
July 1, 258		1-11	22	126	1820	1240	Aug. 7, 433		1	22	332	5586	3747
July 1, 262		1	22	133	3665	2439	Aug. 7, 433		1	22	336	1777	1210
July 12, 290		1-7	22	162	5136	3457	Aug. 7, 433		1	22	337	72	42
July 12, 290		8-9	22	164	5167	3472	Aug. 7, 438		1	22	345	4702	3241
July 12, 290		11	22	165	3697	2478	Aug. 7, 438		2	22	345	4705	3245
July 12, 290		12	22	165	254	140	Aug. 7, 441		1	22	346	4400	3015
July 12, 290		13	22	166	5208	3497	Aug. 7, 444		1-2	22	348	2446	1503
July 12, 290		14	22	166	5136	3460	Aug. 7, 447		1	22	349	2568	1762
July 20, 312		1-10	22	172	537	349	Aug. 8, 468		1	22	372	3385	2212
July 25, 349		2	22	175	4744	3270	Aug. 8, 469		1	22	373	4766	3286
July 25, 349		3	22	175	4744	3277	<b>1883</b>						
July 25, 349		4	22	175	4774	3290	Jan. 9, 15		1-2	22	401	3489	2327
July 25, 349		5	22	176	4720	3259	Jan. 9, 16		1	22	401	3362	2200
July 27, 351		1	22	176	544	404	Jan. 9, 17		1	22	402	2491	1703
July 31, 361		1	22	180	4025	2738	Jan. 13, 24		1	22	402	3385	2212
Aug. 1, 366		1	22	181	4962	3412	Jan. 15, 25		1	22	402	547	417
Aug. 2, 373		2	22	185	3865	2636	Jan. 16, 27		1-15	22	403	1790	1217
Aug. 2, 374		1-14	22	186	4252	2931	Feb. 28, 58		2	22	432	4745	3278
Aug. 3, 376		1-5	22	214	2164	1288	Mch. 3, 91		1	22	453	4698	3238
Aug. 3, 377		1	22	215	2568	1765	Mch. 3, 93		1	22	456	1273	902
Aug. 3, 378		1-6	22	215	5271	3593	Mch. 3, 93		1	22	456	1306	925
Aug. 3, 379		1-2	22	216	3961	2703	Mch. 3, 93		1	22	457	1211	852
Aug. 5, 389		1	22	226	235	127	Mch. 3, 93		1	22	457	1244	885
Aug. 5, 389		1	22	228	241	132	Mch. 3, 93		1	22	459	1178	839
Aug. 5, 389		1	22	238	214	110	Mch. 3, 97		1	22	472	1367	986
Aug. 5, 389		1	22	240	215	112	Mch. 3, 97		1	22	473	1556	1071
Aug. 5, 389		1	22	241	—	2515	Mch. 3, 97		2	22	481	1571	1079
Aug. 5, 389		1	22	243	1826	1245	Mch. 3, 101		2	22	484	2241	1369
Aug. 5, 389		1	22	248	472	268	Mch. 3, 102		1	22	484	—	3212
Aug. 5, 389		1	22	253	3925	2684	Mch. 3, 116		1-7	22	485	1093	748
Aug. 5, 389		1	22	254	682	561	Mch. 3, 118		1	22	487	2345	1439
Aug. 5, 389		4	22	255	169	86	Mch. 3, 120		1	22	487	3717	2497
Aug. 5, 389		5	22	256	3691	2473	Mch. 3, 121		1	22	488	3408	2247
Aug. 5, 390		1	22	270	52	27	Mch. 3, 121		5	22	489	3364	2202
Aug. 5, 391		1	22	285	1868	988	Mch. 3, 123		2-3	22	526	4032	2742

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Mch. 3,	123	5-6	22	528	4032	2744	June 26,	121	22	23	58	2164	1290
Mch. 3,	128	1	22	535	53	30	June 26,	121	23	23	58	3976	2710
Mch. 3,	128	1	22	552	3663	2437	June 26,	121	24	23	58	2966	1949
Mch. 3,	128	2	22	563	3913	2674	June 26,	121	25	23	59	2872	1910
Mch. 3,	130	1-11	22	564	4824	3333	June 26,	121	26	23	59	5294	3607
Mch. 3,	131	1	22	565	—	3765	June 26,	121	27	23	59	4501	3061
Mch. 3,	133	1	22	566	4214	2845	June 26,	121	28	23	59	4458	3043
Mch. 3,	135	1	22	567	2659	1826	June 26,	121	29	23	59	2776	1864
Mch. 3,	141	2	22	592	82	47	June 26,	121	30	23	59	4219	2852
Mch. 3,	141	5	22	599	1541	1059	June 26,	122	1-3	23	60	1367	987
Mch. 3,	142	1-4	22	600	3852	2619	June 26,	123	1	23	60	101	55
Mch. 3,	143	1	22	605	—	2515	June 27,	126	1	23	60	3865	2636
Mch. 3,	143	1	22	615	1805	1233	July 2,	142	1	23	63	2990	1966
Mch. 3,	143	1	22	616	3617	2413	July 4,	180	1	23	96	2312	1420
Mch. 3,	143	1	22	621	1816	1238	July 4,	181	1	23	99	4781	3296
Mch. 3,	143	1	22	625	4867	3370	July 4,	181	2	23	99	4786	3301
Mch. 3,	143	1	22	625	4896	3386	July 4,	181	3	23	99	4785	3297
Mch. 3,	143	1	22	626	2475	1560	July 4,	181	4	23	99	4786	3298
Mch. 3,	143	1	22	628	4398	3002	July 4,	181	5	23	101	3479	2321
Mch. 3,	143	1	22	631	846	650	July 4,	181	6	23	101	4786	3301
Mch. 3,	143	1	22	632	37	17	July 5,	214	1-5	23	103	2490	1607
1884													
Mch. 1,	9	1	23	3	3904	2708	July 5,	214	6	23	104	2477	1569
Apr. 18,	25	1	23	11	2527	1722	July 5,	217	1	23	108	1144	827
Apr. 18,	26	1	23	11	5448	3679	July 5,	217	1	23	109	1132	822
May 1,	37	1	23	17	3679	2455	July 5,	217	1	23	109	3716	2490
May 2,	38	1-4	23	18	532	318	July 5,	217	1	23	111	1219	858
May 2,	38	6	23	18	532	319	July 5,	217	1	23	112	1174	837
May 13,	44	1	23	21	5582	3744	July 5,	217	1	23	113	3623	2417
May 13,	46	2-3	23	21	1756	1201	July 5,	220	1	23	113	2164	1305
May 16,	52	1-6	23	22	5415	3663	July 5,	220	1	23	115	2164	1306
May 29,	60	1-3	23	31	—	299	July 5,	220	1	23	116	2164	1307
May 29,	60	4-9	23	32	—	3183	July 5,	220	1	23	117	2164	1309
May 29,	60	11	23	33	—	301	July 5,	220	1	23	117	2164	1310
June 3,	64	2-4	23	35	548	427	July 5,	220	1	23	118	2164	1311
June 9,	73	1	23	40	3905	2668	July 5,	221	1-7	23	118	—	199
June 11,	75	1	23	40	2743	1848	July 5,	224	1	23	121	1342	979
June 18,	1	1	23	1	572	475	July 5,	225	1-2	23	122	1046	726
June 20,	103	1	23	48	2990	1963	July 5,	228	1	23	132	4381	2967
June 20,	106	1	23	50	535	336	July 5,	228	2-3	23	132	4382	2968
June 26,	121	1	23	53	4131	2804	July 5,	229	1	23	144	5255	3530
June 26,	121	2	23	54	4580	3106	July 5,	229	4	23	147	5255	3524
June 26,	121	3	23	54	4583	3109	July 5,	229	8	23	148	5255	3532
June 26,	121	4	23	54	4561	3095	July 5,	232	1	23	155	2527	1721
June 26,	121	5	23	54	4582	3108	July 5,	234	1	23	156	3848	2617
June 26,	121	6	23	55	4600	3116	July 5,	234	1	23	156	4004	2723
June 26,	121	7	23	55	4581	3107	July 5,	234	1	23	156	4017	2734
June 26,	121	9	23	55	4578	3105	July 5,	234	3	23	158	3913	2674
June 26,	121	10	23	55	4531	3079	July 5,	235	2-3	23	159	1673	1146
June 26,	121	11	23	56	4572	3101	July 7,	331	1	23	172	3152	2048
June 26,	121	12	23	56	1745	1195	July 7,	332	1	23	198	4666	3144
June 26,	121	13	23	56	4213	2845	July 7,	332	1	23	199	2759	1856
June 26,	121	14-15	23	57	4219	2851	July 7,	332	1	23	204	3713	2489
June 26,	121	16	23	57	2981	1954	July 7,	332	1	23	212	—	1489
June 26,	121	17	23	57	3021	1992	July 7,	332	1	23	213	4823	3333
June 26,	121	18	23	57	4289	2945	July 7,	332	1	23	214	5583	3745
June 26,	121	19	23	58	4511	3069	July 7,	333	1	23	235	211	107
June 26,	121	20	23	58	4518	3072	July 7,	334	1	23	237	1729	1187
June 26,	121	20	23	58	4518	3072	July 7,	334	1	23	254	3670	2446



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July 7,	834	8	23	258	8479	2322	June 19,	421	14	24	82	4418	3024
Dec. 27,	7	1-2	23	280	547	417	June 19,	421	15	24	82	2981	1955
<b>1885</b>							June 19,	421	16	24	82	4233	2896
Jan. 20,	25	1-6	23	283	1093	750	June 19,	421	17	24	82	4130	2784
Jan. 30,	43	1	23	291	1579	1083	June 19,	421	18	24	83	4578	3105
Jan. 30,	43	1	23	294	1612	1097	June 19,	424	1	24	84	4249	2921
Jan. 30,	43	8	23	295	429	244	June 29,	567	1-5	24	86	—	3204
Feb. 11,	55	1	23	298	4434	3033	June 30,	581	1	24	106	534	332
Feb. 14,	67	1	23	305	1260	890	July 2,	611	1	24	122	3913	2675
Feb. 16,	123	1	23	306	3646	2424	July 8,	745	1	24	127	539	380
Feb. 25,	149	1-7	23	321	2457	1524	July 9,	755	1-2	24	129	4466	3046
Feb. 25,	150	1	23	322	1685	1156	July 9,	755	3	24	129	4490	3058
Feb. 25,	150	1	23	329	1091	1173	July 9,	756	2	24	129	4837	3351
Feb. 26,	164	1-5	23	332	2164	1290	July 10,	764	1-4	24	143	2400	1476
Mch. 3,	335	1	23	350	290	173	July 26,	779	1	24	148	4670	3145
Mch. 3,	338	2	23	356	529	293	July 26,	781	1	24	151	1673	1146
Mch. 3,	339	1	23	359	1287	915	July 26,	781	2	24	157	3691	2473
Mch. 3,	340	1	23	362	4694	8232	July 31,	827	1	24	199	436	249
Mch. 3,	340	1	23	362	4781	3296	July 31,	827	1	24	200	463	262
Mch. 8,	341	1	23	381	445	255	Aug. 2,	840	1-21	24	209	—	2228
Mch. 3,	342	1	23	385	3860	2625	Aug. 2,	842	1-2	24	213	552	449
Mch. 3,	342	1	23	386	3902	2666	Aug. 3,	848	1-2	24	214	533	330
Mch. 3,	342	1	23	386	3943	2694	Aug. 3,	849	2	24	215	1537	1056
Mch. 3,	342	1	23	387	3875	2651	Aug. 4,	896	1-3	24	218	3385	2214
Mch. 3,	342	1	23	387	3906	2669	Aug. 4,	899	1	24	220	4698	3239
Mch. 3,	342	3-6	23	387	3874	2640	Aug. 4,	901	1-4	24	220	3874	2641
Mch. 3,	343	1	23	404	8157	2051	Aug. 4,	902	1	24	227	3578	2394
Mch. 3,	353	1	23	437	764	595	Aug. 4,	902	1	24	225	—	1489
Mch. 3,	355	1-2	23	443	702	572	Aug. 4,	908	1	24	268	1528	1050
Mch. 3,	360	1	23	478	1673	1142	Aug. 5,	928	1-3	24	308	533	324
Mch. 3,	360	1	23	494	4398	3003	Aug. 5,	928	6-10	24	309	533	325
Mch. 3,	360	1	23	499	2400	1476	Aug. 5,	929	2	24	329	5255	3533
Mch. 3,	360	1	23	510	4834	3347	Aug. 5,	929	8	24	335	5253	3523
Mch. 3,	360	1	23	512	69	40	Aug. 5,	932	1	24	337	550	443
<b>1886</b>							Dec. 20,	2	1	24	351	1339	938
Jan. 19,	4	1-3	24	1	146	74	Dec. 23,	9	1	24	353	4756	3282
Mch. 19,	22	1-2	24	5	4703	3243	Dec. 23,	9	1	24	353	4757	3282
Mch. 29,	28	1-3	24	8	5238	3514	<b>1887</b>						
Mch. 31,	41	1	24	9	304	180	Jan. 3,	12	1	24	354	4414	3020
Apr. 29,	64	1	24	15	3336	2185	Jan. 3,	13	2	24	355	5463	3688
May 1,	69	1	24	16	2990	1960	Jan. 3,	14	1-4	24	355	3865	2634
May 1,	73	1	24	18	5142	3462	Jan. 29,	70	1-6	24	371	4731	3265
May 1,	73	2-4	24	18	5136	3456	Jan. 29,	72	1	24	372	1120	816
May 6,	88	1	24	22	2298	1403	Feb. 3,	90	1-7	24	373	135	67
May 17,	338	1	24	50	1213	854	Feb. 4,	104	1-22	24	379	—	8154
May 17,	339	1	24	50	2517	1714	Feb. 4,	104	24	24	387	—	3171
June 1,	396	1	24	76	2552	1745	Feb. 4,	105	1-2	24	387	4929	3398
June 19,	421	1	24	79	4382	2991	Feb. 9,	123	1	24	392	2990	1967
June 19,	421	2	24	80	4504	3064	Feb. 12,	129	1-4	24	401	1661	1131
June 19,	421	3	24	80	4531	3080	Feb. 23,	210	1-3	24	409	—	3198
June 19,	421	4	24	80	4289	2945	Feb. 23,	213	1-3	24	411	5539	3720
June 19,	421	5	24	81	4153	2812	Feb. 23,	215	1	24	411	2990	1966
June 19,	421	6	24	81	4177	2829	Feb. 23,	218	1	24	414	2990	1969
June 19,	421	7	24	81	4871	2984	Feb. 23,	220	6-10	24	415	2164	1292
June 19,	421	8	24	81	4347	2972	Feb. 23,	221	1	24	415	8058	2005
June 19,	421	9	24	81	4371	2985	Feb. 28,	269	1-2	24	423	538	372
June 19,	421	11	24	81	4219	2851	Feb. 28,	271	1-6	24	424	540	385
June 19,	421	12	24	82	4219	2852	Feb. 28,	275	1	24	429	2562	1756
June 19,	421	13	24	82	4572	3102	Feb. 28,	278	1	24	430	2603	1797

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Feb. 28, 279		4	24	431	539	381	May 1, 212		1	25	112	3716	2493
Feb. 28, 279		1-2	24	430	539	380	May 2, 227		1	25	134	2595	1788
Feb. 28, 288		2	24	435	4321	2963	May 2, 227		1	25	134	2596	1790
Mch. 1, 311		1-8	24	435	1179	839	May 9, 231		1	25	135	3848	2616
Mch. 2, 314		1-10	24	440	—	3218	May 9, 231		2	25	135	3848	2617
Mch. 2, 315		1-6	24	442	536	345	May 16, 257	1-3	25	151	5255	3549	
Mch. 2, 315		10	24	443	536	346	May 21, 298		1	25	153	540	388
Mch. 2, 318		1	24	445	127	63	May 24, 308		1	25	157	3865	2637
Mch. 3, 339		1	24	475	4130	2785	May 28, 320	1-3	25	158	2541	1739	
Mch. 3, 340		1-2	24	476	4066	*537	June 4, 340		1	25	166	5388	3649
Mch. 3, 340		4	24	477	4066	*537	June 4, 341	1-2	25	166	2599	1792	
Mch. 3, 345		4-5	24	491	5260	3575	June 7, 369		1	25	173	4710	3250
Mch. 3, 346		1	24	492	4005	2724	June 7, 373		1	25	176	—	3221
Mch. 3, 347		1	24	492	607	487	June 13, 389	1-9	25	182	—	302	
Mch. 3, 348		1	24	492	2533	1726	June 18, 393		1	25	186	1712	1181
Mch. 3, 348		2	24	493	2534	1730	June 18, 393		1	25	186	1713	1182
Mch. 3, 359		1-16	24	505	1093	752	June 18, 394		1	25	187	5465	3690
Mch. 3, 362		1	24	509	3663	2437	June 18, 394		2	25	187	3894	2661
Mch. 3, 362		1	24	512	—	2516	June 18, 394		2	25	187	5463	3689
Mch. 3, 362		1	24	515	3513	2347	June 29, 496	1-5	25	209	5255	3533	
Mch. 3, 362		1	24	523	4398	3003	July 11, 615		1	25	258	1817	1239
Mch. 3, 362		1	24	526	2241	1370	July 11, 615		1	25	262	95	52
Mch. 3, 362		1	24	527	—	1489	July 23, 692		1	25	339	2568	1765
Mch. 3, 362		1	24	539	4834	3348	July 24, 702		1	25	345	3860	2626
Mch. 3, 362		1	24	541	831	640	Aug. 1, 727	1-2	25	355	4796	3310	
Mch. 3, 362		1	24	542	100	54	Aug. 1, 728	1-2	25	357	—	2516	
Mch. 3, 373		1	24	552	629	508	Aug. 1, 729	1-3	25	357	967	701	
Mch. 3, 373		2-3	24	552	721	582	Aug. 7, 772	1-7	25	382	5269	3583	
Mch. 3, 373		4-6	24	552	629	514	Aug. 8, 785		1	25	386	800	624
Mch. 3, 373		6	24	555	629	511	Aug. 8, 786		1	25	387	353	205
Mch. 3, 373		7	24	555	715	579	Aug. 8, 787	1-2	25	387	1766	1208	
Mch. 3, 376		1-7	24	556	2490	1595	Aug. 8, 788	1-3	25	387	536	346	
Mch. 3, 378		1-2	24	559	5192	3490	Aug. 8, 789	1-7	25	388	537	365	
Mch. 3, 378		8	24	560	3575	2389	Aug. 8, 790		1	25	388	540	393
Mch. 3, 388		1	24	569	3868	2638	Aug. 8, 792	1-4	25	389	537	859	
Mch. 3, 392		1	24	596	69	40	Aug. 9, 817	1-2	25	392	537	355	
Mch. 3, 396		3	24	634	3513	2348	Aug. 11, 860		2	25	423	5255	3537
Mch. 3, 397		1-5	24	635	5352	3635	Aug. 11, 860		3	25	423	5255	3526
Mch. 3, 397		9-10	24	636	5352	3637	Aug. 11, 860		8	25	424	5255	3526
1888							Aug. 11, 860		11	25	425	5255	3528
Jan. 20, 1		1	25	1	4395	3001	Aug. 13, 866		1	25	433	629	508
Jan. 20, 2		1-2	25	1	3875	2652	Aug. 13, 866		2	25	436	721	582
Feb. 1, 4		1	25	9	2033	1275	Aug. 13, 866		3	25	436	721	582
Feb. 18, 15		1	25	40	4883	3381	Aug. 13, 866		4	25	436	629	514
Feb. 29, 17		1-13	25	41	5269	3586	Aug. 13, 866		5	25	436	629	515
Feb. 29, 18		1	25	43	4020	2736	Aug. 13, 866		6	25	436	629	515
Mch. 5, 20		1	25	43	4796	3310	Aug. 13, 866		7	25	437	715	579
Mch. 9, 30		1	25	45	4066	*538	Aug. 13, 868		2	25	437	3489	2328
Mch. 23, 34		1	25	45	4075	2765	Aug. 13, 869	1-8	25	438	537	366	
Mch. 30, 47		1	25	57	8756	2588	Aug. 14, 890	1-6	25	442	1427	1012	
Apr. 2, 54		1	25	76	461	260	Aug. 14, 891		1	25	443	540	392
Apr. 4, 58		1-2	25	78	539	381	Aug. 27, 913		1	25	449	4698	3239
Apr. 4, 58		4-6	25	79	539	382	Aug. 27, 914		1	25	450	4837	3352
Apr. 4, 61		1	25	80	4219	2851	Sept. 7, 991		1	25	458	1546	1062
Apr. 4, 61		2	25	80	4382	2992	Sept. 13, 1015	1-15	25	476	2164	1312	
Apr. 4, 61		3	25	80	4581	3107	Sept. 22, 1027		1	25	485	3716	2493
Apr. 11, 81		1	25	84	539	380	Sept. 22, 1028		1	25	489	1673	1142
Apr. 24, 194		1	25	94	5255	3525	Sept. 22, 1028		6	25	490	1673	1143
May 1, 212		1	25	112	1341	939	Sept. 26, 1037		1	25	491	1225	861

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Sept. 26, 1039		1	25	496	3894	2661	Mch. 2,	371	1	25	817	419	239
Sept. 26, 1039		2	25	496	3893	2658	Mch. 2,	372	1	25	831	1220	859
Oct. 1, 1058		1	25	498	540	388	Mch. 2,	372	1	25	833	1661	1132
Oct. 1, 1060		1	25	500	4249	2921	Mch. 2,	373	1	25	840	—	3222
Oct. 1, 1064	1-4	25	504	2164	1318		Mch. 2,	374	1	25	841	3860	2626
Oct. 2, 1069		1	25	511	258	144	Mch. 2,	374	1	25	844	3735	2506
Oct. 2, 1069		1	25	525	2221	1361	Mch. 2,	381	1	25	854	2357	1445
Oct. 2, 1069		1	25	526	2464	1552	Mch. 2,	381	2	25	854	2298	1403
Oct. 2, 1069		1	25	529	5583	3745	Mch. 2,	381	3	25	854	2297	1400
Oct. 2, 1069		1	25	530	—	3172	Mch. 2,	381	4	25	854	2357	1445
Oct. 2, 1069		1	25	543	3691	2473	Mch. 2,	381	5	25	854	2298	1403
Oct. 2, 1069		1	25	546	76	43	Mch. 2,	381	6	25	854	2298	1404
Oct. 12, 1092		1	25	552	1221	860	Mch. 2,	381	7	25	855	2291	1393
Oct. 12, 1093		1	25	552	2552	1746	Mch. 2,	381	8	25	855	2357	1446
Oct. 12, 1098		1	25	557	461	261	Mch. 2,	382	1	25	855	—	3158
Oct. 12, 1099		1	25	557	2559	1753	Mch. 2,	382	2	25	857	—	3161
Oct. 13, 1113		1	25	557	4249	2921	Mch. 2,	382	3	25	858	—	3163
Oct. 18, 1194		1	25	560	3296	2141	Mch. 2,	382	4	25	859	—	3165
Oct. 18, 1195		1	25	560	4249	2922	Mch. 2,	382	5	25	859	—	3167
Oct. 18, 1197		1	25	564	4474	3051	Mch. 2,	382	6	25	861	—	3168
Oct. 19, 1209		1	25	565	2568	1766	Mch. 2,	382	7	25	861	—	3169
Oct. 19, 1210		1	25	566	2164	1294	Mch. 2,	382	8	25	862	—	3170
Oct. 19, 1210		1	25	587	64	38	Mch. 2,	382	9	25	862	—	3171
Oct. 19, 1210		3	25	600	418	238	Mch. 2,	382	10	25	862	—	3172
Oct. 19, 1216		1	25	613	140	72	Mch. 2,	390	1-10	25	869	1230	868
Oct. 19, 1216		2	25	613	141	72	Mch. 2,	393	1	25	873	5480	3696
1889													
Jan. 4, 19	1-2	25	639	4806	8325		Mch. 2,	393	2	25	873	5480	3698
Jan. 16, 50		1	25	650	3874	2640	Mch. 2,	396	3-5	25	873	3894	2660
Jan. 30, 100		1	25	654	4028	2741	Mch. 2,	396	1	25	878	1521	1047
Feb. 6, 113	1-3	25	655	608	492		Mch. 2,	410	2	25	878	1517	1044
Feb. 6, 113		3	25	655	619	497	Mch. 2,	410	1	25	907	3665	2440
Feb. 6, 113		5	25	656	608	493	Mch. 2,	410	1	25	912	217	115
Feb. 6, 113		6	25	656	699	569	Mch. 2,	411	1	25	941	—	2518
Feb. 6, 113		7	25	656	608	493	Mch. 2,	411	1	25	945	3576	2392
Feb. 8, 115		1	25	657	1429	1015	Mch. 2,	411	1	25	954	—	3173
Feb. 8, 116		1	25	657	4837	8352	Mch. 2,	411	1	25	960	2464	1553
Feb. 9, 119	1-3	25	657	1595	1088		Mch. 2,	411	1	25	962	4864	3367
Feb. 9, 120		1	25	658	5345	3630	Mch. 2,	418	1	25	1012	4488	3055
Feb. 9, 121		1	25	658	2603	1798	Mch. 2,	418	1	25	1012	4489	3056
Feb. 9, 122	1-4	25	659	521	285		1890						
Feb. 12, 132		1	25	659	4698	3239	Feb. 4,	5	5	26	8	548	423
Feb. 12, 135	1-2	25	661	683	562		Feb. 7,	8	1	26	6	1426	1011
Feb. 13, 149		1	25	667	2990	1970	Feb. 19,	14	1	26	8	2990	1970
Feb. 15, 168	1-4	25	671	535	336		Feb. 27,	20	1-4	26	13	1212	853
Feb. 15, 168	6-7	25	672	535	337		Feb. 27,	21	1	26	14	546	410
Feb. 16, 171		1	25	672	197	98	Feb. 27,	21	6	26	15	546	411
Feb. 23, 205		1	25	690	535	338	Mch. 4,	25	1	26	16	4698	3240
Feb. 23, 208		1	25	691	4249	2922	Mch. 5,	26	1	26	17	214	110
Feb. 26, 279		1	25	719	235	128	Mch. 8,	29	1-2	26	17	2595	1789
Mch. 1, 309		1	25	750	2586	1782	Mch. 13,	31	1	26	18	2603	1798
Mch. 1, 310		1	25	750	2586	1782	Mch. 27,	51	1-3	26	31	4796	3311
Mch. 1, 311	1-3	25	751	2562	1757		Apr. 3,	62	1	26	34	2990	1971
Mch. 1, 323		1	25	470	4249	2922	Apr. 4,	63	1	26	40	474	269
Mch. 1, 331		1	25	781	1420	1008	Apr. 5,	65	1-6	26	45	549	438
Mch. 1, 332		1	25	782	4765	3285	Apr. 9,	73	1-3	26	50	3756	2588
Mch. 1, 332		1	25	783	4780	3295	Apr. 9,	73	1-3	26	50	—	3765
Mch. 2, 358		1	25	790	2568	1766	Apr. 10,	77	1-2	26	53	2207	1356
Mch. 2, 368		1	25	793	2579	1773	Apr. 11,	78	1	26	54	1342	968
							Apr. 14,	80	1	26	55	1230	872

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Apr. 16,	85	1	26	56	893	222	July 11,	667	1	26	259	486	273
Apr. 19,	101	1	26	58	2990	1971	July 11,	667	1	26	265	348	202
Apr. 26,	159	1	26	66	2990	1971	July 11,	667	2	26	268	3662	2436
Apr. 26,	161	1-6	26	67	543	899	July 14,	706	1	26	275	4130	2786
Apr. 26,	165	1-6	26	71	546	408	July 14,	707	1	26	288	521	286
Apr. 26,	167	1-7	26	72	538	374	July 14,	708	1-4	26	289	3526	2354
Apr. 29,	171	1	26	77	2581	1776	July 14,	708	5	26	289	3513	2348
Apr. 30,	173	2-3	26	78	1835	1248	July 14,	708	6	26	289	5192	3490
May 1,	180	1	26	80	2517	1714	July 14,	708	7	26	290	3526	2355
May 2,	182	18	26	90	2490	1615	July 26,	721	1	26	292	4414	3020
May 2,	182	18	26	91	2490	1598	Aug. 8,	728	1	26	313	—	3177
May 2,	182	20	26	91	2490	1616	Aug. 18,	797	1	26	316	—	2518
May 2,	182	22	26	91	2394	1462	Aug. 19,	801	1	26	320	4504	3065
May 2,	182	23	26	92	2477	1570	Aug. 19,	802	1-3	26	320	—	2863
May 2,	182	24	26	92	2490	1617	Aug. 28,	812	1-2	26	362	2634	1814
May 14,	202	1	26	106	540	387	Aug. 28,	813	1	26	362	2568	1766
May 14,	207	1-7	26	109	2394	1463	Aug. 28,	814	1-2	26	363	2586	1783
May 20,	233	1	26	115	2599	1791	Aug. 28,	814	3	26	363	2670	1828
May 24,	292	1	26	120	4130	2784	Aug. 28,	814	4	26	363	2586	1784
May 26,	355	1	26	121	2294	1396	Aug. 29,	819	1	26	369	2490	1598
June 8,	403	1-3	26	129	537	356	Aug. 29,	820	1	26	371	170	88
June 10,	407	1-9	26	131	2839	1886	Aug. 30,	837	1	26	374	3663	2438
June 10,	407	10	26	136	2902	1922	Aug. 30,	837	1	26	382	4688	3151
June 10,	407	11	26	136	2907	1924	Aug. 30,	837	1	26	391	2298	1404
June 10,	407	12-18	26	136	2929	1931	Aug. 30,	837	1	26	391	2464	1553
June 10,	407	19	26	139	2907	1924	Aug. 30,	837	1	26	391	2477	1570
June 10,	407	20	26	140	2970	1950	Aug. 30,	837	1	26	392	4865	3369
June 10,	407	21	26	140	3087	2016	Aug. 30,	837	1	26	393	4864	3368
June 10,	407	22	26	140	2839	1895	Aug. 30,	837	1	26	396	1835	1249
June 10,	407	23	26	140	2927	1930	Aug. 30,	837	1	26	399	1197	847
June 10,	407	24	26	140	3011	1987	Aug. 30,	837	1	26	400	1144	827
June 10,	407	25	26	141	2839	1896	Aug. 30,	837	1	26	400	1188	843
June 10,	407	26	26	141	5452	3681	Aug. 30,	837	2-3	26	412	—	2519
June 10,	407	27	26	141	5502	3710	Aug. 30,	837	4	26	413	3622	2417
June 10,	407	28-30	26	141	2839	1896	Aug. 30,	839	1-10	26	414	—	3185
June 13,	423	1	26	152	1240	875	Aug. 30,	841	1-6	26	417	—	3214
June 16,	426	8-4	26	158	1120	817	Sept. 4,	873	1	26	424	2601	1795
June 18,	431	1	26	161	3354	2194	Sept. 4,	874	1-2	26	424	5339	3627
June 18,	432	1	26	162	3441	2272	Sept. 4,	875	1-3	26	425	4234	2902
June 20,	437	1	26	167	1341	940	Sept. 19,	907	2	26	452	5255	3527
June 25,	616	1	26	180	4401	3016	Sept. 19,	907	11	26	455	5255	3537
June 26,	631	1	26	180	532	319	Sept. 19,	907	15	26	456	1273	902
June 27,	634	1	26	182	4707	3247	Sept. 19,	907	15	26	456	5255	3527
June 27,	634	2	26	182	4693	3230	Sept. 19,	908	1	26	465	3894	2659
June 27,	634	3	26	182	4703	3244	Sept. 19,	908	2	26	466	3929	2686
June 27,	634	4	26	183	4693	3231	Sept. 19,	908	3	26	466	4041	2749
June 30,	639	1	26	188	4778	3294	Sept. 25,	909	1-2	26	466	2568	1766
June 30,	640	1	26	189	3718	2498	Sept. 25,	911	1	26	467	2601	1795
June 30,	640	1	26	194	1541	1060	Sept. 25,	912	1	26	467	2533	1727
June 30,	640	1	26	197	3676	2450	Sept. 25,	917	1	26	470	2578	1772
July 1,	646	1	26	209	4714	3253	Sept. 25,	917	1	26	470	2579	1774
July 2,	647	1-8	26	209	—	3200	Sept. 25,	917	2	26	470	8004	1982
July 2,	651	1-3	26	212	536	347	Sept. 25,	922	1	26	474	549	437
July 11,	667	1	26	228	1790	1224	Sept. 25,	928	1-2	26	478	2475	*358
July 11,	667	1	26	236	234	123	Sept. 26,	944	1	26	484	3510	2342
July 11,	667	1	26	242	3570	2379	Sept. 26,	945	1-3	26	485	3511	2343
July 11,	667	1	26	254	415	234	Sept. 27,	998	1	26	291	1342	969
July 11,	667	1	26	257	446	256	Sept. 27,	1001	1	26	492	1835	1249
July 11,	667	1	26	259	481	272	Sept. 27,	1001	7	26	495	1835	1249

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Sept. 29, 1040		1-3	26	496	2490	1598	Feb. 24, 283	1	26	769	8717	2497	
Sept. 29, 1040		6	26	498	2490	1600	Feb. 24, 284	1	26	773	1131	821	
Sept. 29, 1047		1	26	501	2601	1796	Feb. 24, 284	1	26	779	1197	847	
Sept. 30, 1121		1	26	502	2394	1461	Feb. 24, 287	1	26	783	554	450	
Sept. 30, 1125		1	26	504	1260	891	Feb. 28, 384	1	26	796	2275	1331	
Sept. 30, 1126		1	26	510	2536	1736	Feb. 28, 384	1	26	796	2276	1382	
Sept. 30, 1126		1	26	511	257	144	Mch. 2, 493	1	26	799	544	405	
Sept. 30, 1126		1	26	511	2805	1874	Mch. 2, 494	1	26	807	3676	2451	
Sept. 30, 1126		1	26	537	1090	747	Mch. 2, 498	1	26	824	1230	870	
Oct. 1, 1239		1	26	561	2490	1610	Mch. 3, 517	1	26	828	607	488	
Oct. 1, 1240		1-2	26	561	2490	1610	Mch. 3, 517	2-15	26	826	—	547	
Oct. 1, 1241		1-3	26	562	1204	849	Mch. 3, 519	1-9	26	830	4011	2727	
Oct. 1, 1244		26	26	618	3244	2101	Mch. 3, 521	1-2	26	833	—	3177	
Oct. 1, 1244		28	26	618	3381	2210	Mch. 3, 525	1-2	26	836	2533	1728	
Oct. 1, 1244		29	26	618	3383	2210	Mch. 3, 529	1-9	26	839	5550	3725	
Oct. 1, 1244		30	26	619	3368	2203	Mch. 3, 533	1-8	26	842	2475	*359	
Oct. 1, 1244		31	26	619	3363	2202	Mch. 3, 538	1-13	26	851	1093	758	
Oct. 1, 1244		32	26	619	3392	2219	Mch. 3, 539	1-2	26	854	—	765	
Oct. 1, 1244		33	26	620	3357	2198	Mch. 3, 539	4-19	26	856	—	766	
Oct. 1, 1244		34	26	620	3389	2218	Mch. 3, 540	1	26	867	2729	1845	
Oct. 1, 1244		35	26	620	3387	2217	Mch. 3, 540	1	26	872	1274	905	
Oct. 1, 1244		36-40	26	620	—	2226	Mch. 3, 541	1	26	914	69	40	
Oct. 1, 1244		41	26	621	—	2235	Mch. 3, 541	1	26	923	4806	3325	
Oct. 1, 1244		42-49	26	621	3328	2171	Mch. 3, 541	1	26	934	415	234	
Oct. 1, 1244		53	26	624	3237	2092	Mch. 3, 541	1	26	944	389	219	
Oct. 1, 1244		54	26	624	2970	1950	Mch. 3, 541	1	26	945	349	204	
Oct. 1, 1256		1-8	26	645	59	34	Mch. 3, 541	1	26	947	554	451	
Oct. 1, 1256		9	26	646	237	130	Mch. 3, 541	3	26	948	3518	2350	
Oct. 1, 1256		10	26	646	59	36	Mch. 3, 542	1	26	948	4249	2923	
Oct. 1, 1259		2	26	648	1120	817	Mch. 3, 542	1	26	968	2649	1820	
Oct. 1, 1260		1	26	648	3860	2630	Mch. 3, 542	1	26	973	2038	1278	
Oct. 1, 1262		1	26	650	2399	1474	Mch. 3, 542	1	26	979	4791	3304	
Oct. 1, 1263		1-3	26	650	2463	*339	Mch. 3, 542	1	26	984	4834	3348	
Oct. 1, 1266		1	26	653	—	295	Mch. 3, 543	16	26	1026	2490	1617	
Oct. 1, 1266		2	26	653	1195	846	Mch. 3, 543	37	26	1043	2490	1617	
Oct. 1, 1266		3-5	26	653	—	296	Mch. 3, 544	1	26	1050	3297	2149	
Oct. 1, 1266		9	26	653	—	297	Mch. 3, 547	1	26	1079	4017	2735	
Oct. 1, 1267		1-2	26	655	2594	1788	Mch. 3, 547	1	26	1081	408	229	
Oct. 1, 1269		2	26	657	2247	1372	Mch. 3, 548	1	26	1082	4724	3261	
Dec. 11, 2		1	26	687	548	428	Mch. 3, 548	1	26	1082	4786	3301	
Dec. 18, 22		1	26	690	2634	1814	Mch. 3, 548	2	26	1082	4780	3295	
Dec. 22, 26		1	26	692	4426	3029	Mch. 3, 548	3	26	1083	4744	3278	
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Jan. 13, 70		1	26	716	1225	863	Mch. 3, 551	1-4	26	1084	2164	1294	
Jan. 16, 74		1	26	718	4824	3335	Mch. 3, 551	5	26	1085	2164	1292	
Feb. 6, 113		1	26	733	180	91	Mch. 3, 551	6-11	26	1085	2164	1296	
Feb. 9, 122		1	26	737	1216	857	Mch. 3, 551	13	26	1086	2164	1300	
Feb. 10, 127		1-5	26	742	5462	3686	Mch. 3, 552	1	26	1087	2591	1786	
Feb. 10, 128		1	26	743	—	3163	Mch. 3, 555	1-7	26	1089	—	3189	
Feb. 10, 130		1	26	746	4783	3297	Mch. 3, 559	1	26	1093	2463	1531	
Feb. 10, 130		1	26	746	5486	3703	Mch. 3, 561	1	26	1095	2464	1535	
Feb. 16, 238		1	26	763	1258	889	Mch. 3, 561	2	26	1096	2464	1549	
Feb. 18, 244		1	26	764	2490	1601	Mch. 3, 561	3	26	1097	2288	1385	
Feb. 21, 250		1	26	765	4178	2830	Mch. 3, 561	4	26	1097	2257	1381	
Feb. 21, 250		2	26	765	4178	2831	Mch. 3, 561	5	26	1097	2289	1388	
Feb. 21, 251		1	26	766	2568	1767	Mch. 3, 561	5	26	1097	2290	1389	
Feb. 21, 252		1-2	26	766	231	121	Mch. 3, 561	6	26	1098	2301	1406	
Feb. 24, 282		1	26	767	537	352	Mch. 3, 561	7	26	1098	2457	1521	
Feb. 24, 283		1	26	769	1673	1144	Mch. 3, 561	8	26	1099	2457	1521	
							Mch. 3, 561	8	26	1099	2463	1531	

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Mch. 3,	561	9	26	1099	2353	1443	July 5,	145	1-6	27	72	535	342
Mch. 3,	561	10	26	1099	2490	1617	July 5,	145	8	27	73	550	446
Mch. 3,	561	11-14	26	1099	2394	1467	July 5,	147	1	27	76	529	294
Mch. 3,	561	16	26	1101	2392	1459	July 5,	147	1	27	80	—	3222
Mch. 3,	561	17	26	1101	2298	1405	July 6,	154	1	27	87	3578	2394
Mch. 3,	561	17	26	1101	2464	1554	July 13,	158	5	27	111	5255	3527
Mch. 3,	561	18-21	26	1101	2477	1570	July 13,	161	1	27	119	4713	3252
Mch. 3,	561	24	26	1103	2464	1537	July 13,	162	1	27	120	1181	840
Mch. 3,	562	1	26	1103	4787	3302	July 13,	164	9	27	145	469	266
Mch. 3,	565	1	26	1106	4952	3406	July 13,	165	5	27	148	3999	2718
Mch. 3,	565	2	26	1107	4954	3407	July 14,	168	1	27	14	2990	1973
Mch. 3,	565	3	26	1107	4956	3407	July 14,	169	1	27	149	4698	3240
Mch. 3,	565	4	26	1108	4958	3409	July 16,	195	1	27	177	1766	1209
Mch. 3,	565	5	26	1108	4959	3410	July 16,	195	1	27	178	1240	875
Mch. 3,	565	6	26	1109	4963	3412	July 16,	195	1	27	178	1293	921
Mch. 3,	565	7	26	1109	4964	3413	July 16,	195	1	27	178	1297	922
Mch. 3,	565	8	26	1109	4965	3414	July 16,	196	1	27	200	3259	2114
Mch. 3,	565	9	26	1109	4967	3416	July 16,	196	1	27	183	4818	3331
Mch. 3,	565	10-13	26	1109	4971	3417	July 16,	196	1	27	194	277	157
Mch. 3,	566	1-4	26	1110	535	338	July 16,	196	1	27	197	337	194
Mch. 3,	566	6	26	1110	535	339	July 16,	196	1	27	199	3663	2438
Mch. 3,	568	1	26	1418	4722	3260	July 16,	196	1	27	222	—	555
<b>1892</b>							July 19,	206	1	27	245	419	239
Feb. 26,	10	1	27	4	2990	1971	July 19,	206	1	27	245	1571	1080
Mch. 8,	11	1	27	5	2990	1972	July 20,	209	1-5	27	252	984	706
Mch. 8,	12	1	27	5	469	266	July 21,	215	1	27	254	2990	1973
Mch. 9,	14	1	27	7	866	664	July 22,	231	1	27	257	4249	2923
Mch. 10,	15	1	27	7	540	393	July 26,	248	1-2	27	267	4130	2787
Mch. 21,	20	1-2	27	11	537	368	July 26,	249	1-2	27	268	3941	2693
Mch. 26,	23	1	27	12	2568	1767	July 26,	251	1	27	270	2291	1393
Mch. 29,	25	1	27	12	1216	857	July 26,	255	1-4	27	272	4714	3254
Mch. 31,	28	1-2	27	12	550	444	July 26,	256	1-4	27	272	463	263
Mch. 31,	29	1-4	27	12	2582	1778	July 27,	264	1	27	273	2990	1973
Apr. 7,	37	1-2	27	14	2568	1767	July 27,	267	1	27	275	217	115
Apr. 7,	39	1-2	27	15	548	428	July 27,	269	1-2	27	276	1204	851
Apr. 11,	40	1	27	15	4829	3339	July 27,	270	1-4	27	276	1168	835
Apr. 11,	41	1-2	27	16	4489	3057	July 27,	272	1	27	277	1342	947
Apr. 13,	43	1	27	16	2990	1972	July 27,	272	1	21	277	1342	964
Apr. 13,	44	1	27	16	2990	1972	July 27,	272	1	27	277	1342	968
Apr. 15,	47	1	27	19	2578	1771	July 27,	272	2	27	277	1342	965
Apr. 19,	50	1	27	20	540	388	July 27,	272	3	27	277	1342	945
Apr. 19,	50	3	27	20	540	389	July 27,	272	4	27	278	1202	849
May 3,	59	1-4	27	24	537	357	July 27,	273	1	27	278	1230	872
May 5,	60	1-9	27	25	2164	1319	July 27,	277	1-6	27	281	4740	3273
May 9,	62	1	27	27	215	113	July 28,	311	2	27	313	1595	1088
May 10,	63	1-4	27	27	4132	2806	July 28,	315	1	27	321	1603	1094
May 11,	66	1	27	29	2599	1793	July 28,	316	1	27	321	3751	2529
May 23,	77	1-3	27	39	550	445	July 28,	317	1	27	322	5192	3491
June 3,	85	1	27	40	2578	1772	July 29,	320	15	27	325	—	2521
June 3,	86	1	27	41	2807	1875	July 30,	328	1-5	27	336	1215	855
June 3,	86	1	27	41	2881	1913	Aug. 1,	351	1	27	340	4716	3256
June 4,	88	1-2	27	41	2552	1748	Aug. 1,	352	1-3	27	340	—	2521
July 16,	196	1	27	200	3295	2135	Aug. 3,	360	1	27	345	5238	3513
July 16,	196	1	27	200	3320	2166	Aug. 3,	361	1	27	347	848	655
July 16,	196	1	27	200	3323	2167	Aug. 4,	375	1	27	348	2333	1434
July 19,	206	1	27	243	3718	2498	Aug. 4,	375	2	27	348	2464	1545
June 25,	133	1	27	59	2490	1601	Aug. 4,	375	2	27	348	2464	1547
June 30,	137	1	27	61	2990	1967	Aug. 4,	375	3	27	348	2333	1434
June 30,	328	1-5	27	336	1215	855	Aug. 5,	379	1-2	27	348	4743	3275

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Aug. 5, 380		1	27	351	—	2522	Mch. 3, 211	4-5	27	715	162	80	
Aug. 5, 380		1	27	354	4249	2923	Mch. 3, 212	1	27	715	1560	1074	
Aug. 5, 380		1	27	362	3671	2447	Mch. 3, 212	1	27	715	3718	2498	
Aug. 5, 380		1	27	368	2249	1374	Mch. 3, 212	1	27	716	423	241	
Aug. 5, 380		1	27	373	2038	1278	Mch. 3, 212	1	27	716	1417	1006	
Aug. 5, 380		1	27	384	4834	3348	Mch. 3, 212	1	27	716	3676	2451	
Dec. 22, 8		1	27	407	2562	1757	Mch. 3, 212	1	27	717	422	240	
Dec. 22, 11		1	27	408	2990	1973	Mch. 3, 212	1	27	717	1421	1009	
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Jan. 5, 18		1	27	413	4731	3287	Mch. 3, 213	1	27	733	3915	2678	
Jan. 23, 41		1	27	421	3868	2638	Mch. 3, 215	1	27	743	4956	*681	
Jan. 27, 50		1	27	426	4249	2924	Mch. 3, 220	1	27	745	532	819	
Jan. 28, 51		1	27	426	1118	812	Mch. 3, 221	1-3	27	746	3570	2380	
Jan. 31, 54		1	27	427	2490	1602	Mch. 3, 225	1-3	27	751	993	710	
Feb. 3, 58		1	27	429	4740	3274	Mch. 3, 226	1	27	751	766	597	
Feb. 6, 64	1-2	27	431	5255	3550		Nov. 1, 8	1	28	4	3528	2355	
Feb. 8, 69	1	27	434	2578	573		Nov. 3, 9	1	28	5	535	344	
Feb. 9, 74	8	27	436	705	573		Nov. 3, 10	1-7	28	5	546	411	
Feb. 9, 74	9	27	436	4911	3391		Nov. 3, 13	1	28	7	1225	863	
Feb. 11, 83	1	27	443	—	3173		Nov. 3, 14	1	28	7	2164	1321	
Feb. 13, 103	1	27	444	2463	1531		Nov. 3, 14	2	28	7	2164	1322	
Feb. 13, 105	1-8	27	445	4289	2946		Dec. 12, 1	1	28	15	2490	1602	
Feb. 15, 114	1-8	27	449	4796	3312		Dec. 21, 3	1	28	16	4739	8270	
Feb. 15, 119	1-2	27	456	2357	1446		Dec. 21, 8	1	28	19	1003	764	
Feb. 18, 136	1	27	458	1673	1144		Dec. 21, 6	1	28	21	389	219	
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Feb. 21, 149	1	27	470	—	775		Jan. 11, 10	1-2	28	26	2247	1372	
Feb. 21, 151	1	27	472	2990	1974		Jan. 22, 16	1	28	28	4430	3031	
Feb. 27, 167	1-4	27	477	8756	2589		Jan. 22, 17	1	28	28	407	228	
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Feb. 27, 168	1	27	479	1188	843		Jan. 27, 21	4	28	82	4032	2744	
Feb. 27, 168	1	27	480	1270	901		Jan. 27, 21	6	28	32	4039	2748	
Feb. 27, 168	1	27	480	1273	903		Jan. 27, 21	7	28	32	4033	2745	
Feb. 27, 168	1	27	484	3716	2493		Jan. 27, 21	8	28	32	4044	2751	
Mch. 1, 182	1	27	497	1675	1152		Jan. 27, 21	9	28	33	4034	2745	
Mch. 1, 182	1	27	500	4130	2788		Jan. 27, 21	10	28	30	4034	2746	
Mch. 1, 183	1-25	27	507	5255	3553		Jan. 27, 21	11	28	33	4040	2749	
Mch. 1, 186	1	27	515	1309	928		Jan. 27, 21	12-13	28	33	4034	2747	
Mch. 1, 186	1	27	520	1341	940		Jan. 27, 22	1	28	33	3709	2484	
Mch. 2, 196	1-8	27	531	—	3174		Feb. 8, 25	1-3	28	36	2005	1273	
Mch. 3, 199	1	27	551	2038	1278		Mch. 10, 34	1	28	40	2593	1787	
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Mch. 3, 206	1-6	27	569	2164	1300		Mch. 12, 36	1	28	41	5580	3743	
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Mch. 3, 208	1	27	593	2464	1536		Apr. 24, 63	1	28	64	4398	3007	
Mch. 3, 208	1	27	593	2490	1611		Apr. 30, 66	1-6	28	67	538	373	
Mch. 3, 208	1	27	603	3665	2439		Apr. 30, 66	8	28	68	538	374	
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Mch. 3, 210	1	27	653	4834	3349		May 7, 72	1-10	28	73	2475	1561	
Mch. 3, 211	1	27	675	4130	2784		May 28, 83	1	28	82	—	2872	
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July 3, 123		1-2	28	99	548	436	Aug. 6, 227		2	28	233	5366	3642
July 12, 131		1-2	28	101	3570	2881	Aug. 6, 228		1	28	235	1225	864
July 12, 132		1-2	28	102	588	376	Aug. 6, 228		1	28	236	3675	2449
July 16, 137		1	28	104	3860	2630	Aug. 6, 228		1	28	237	1273	903
July 16, 137		1	28	106	3875	2653	Aug. 8, 236		1-2	28	263	2477	1572
July 16, 137		2	28	106	3916	2680	Aug. 8, 238		1	28	270	529	294
July 16, 137		4	28	107	241	132	Aug. 8, 238		1	28	271	—	3222
July 18, 141		1	28	113	4774	3291	Aug. 8, 238		1	28	272	524	289
July 18, 144		1-2	28	114	539	382	Aug. 8, 238		1	28	274	—	298
July 18, 144		4-9	28	115	539	383	Aug. 9, 244		1-4	28	274	543	398
July 23, 147		1	28	115	607	488	Aug. 11, 256		1	28	277	2582	1779
July 23, 149		1-2	28	117	534	332	Aug. 13, 280		1-2	28	278	—	2523
July 26, 163		1-3	28	122	2457	1522	Aug. 13, 281		1-2	28	278	3583	2398
July 26, 165		1	28	136	1514	1043	Aug. 13, 282		1-8	28	279	3468	2315
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July 26, 165		1	28	124	1521	1048	Aug. 15, 288		1	28	285	2399	1474
July 26, 165		1	28	124	2166	1332	Aug. 15, 290		4	28	312	3732	2506
July 26, 165		1	28	132	425	241	Aug. 18, 299		2	28	360	5255	3538
July 26, 165		1	28	138	1612	1097	Aug. 18, 299		3	28	360	5255	3536
July 26, 166		1	28	150	211	107	Aug. 18, 299		4	28	362	5255	3525
July 26, 166		1	28	151	4130	2789	Aug. 18, 299		5	28	362	5255	3538
July 26, 167		1	28	151	1314	930	Aug. 18, 300		1	28	372	4796	3313
July 31, 174		1	28	162	51	21	Aug. 18, 301		1	28	378	2753	1854
July 31, 174		1	28	172	2752	1852	Aug. 18, 301		1	28	383	3570	2382
July 31, 174		1	28	173	235	128	Aug. 18, 301		1	28	384	1835	1251
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July 31, 174		1	28	197	—	1490	Aug. 18, 301		1	28	391	3687	2459
July 31, 174		1	28	204	556	452	Aug. 18, 301		1	28	392	2549	1744
July 31, 174		2	28	205	1763	1206	Aug. 18, 301		1	28	394	2413	1483
July 31, 174		3	28	205	276	154	Aug. 18, 301		1	28	397	2306	1417
July 31, 174		4	28	205	268	148	Aug. 18, 301		1	28	403	217	116
July 31, 174		4	28	206	3625	2418	Aug. 18, 301		1	28	405	216	115
July 31, 174		4	28	206	3633	2420	Aug. 18, 301		1	28	406	1661	1133
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July 31, 174		6	28	206	271	151	Aug. 18, 301		1	28	411	4834	3349
July 31, 174		7	28	206	277	159	Aug. 18, 301		1	28	412	3913	2675
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July 31, 174		10	28	208	235	128	Aug. 18, 301		1	28	412	4831	3344
July 31, 174		11-12	28	209	277	163	Aug. 18, 301		1	28	416	824	634
July 31, 174		12	28	209	3622	2416	Aug. 18, 301		1	28	416	829	639
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July 31, 174		15	28	210	257	144	Aug. 18, 301		1	28	418	4130	2789
July 31, 174		16	28	210	307	181	Aug. 18, 301		4	28	422	2464	1554
July 31, 174		17	28	210	886	671	Aug. 20, 302		1	28	423	2401	1477
July 31, 174		18	28	210	3743	2510	Aug. 20, 302		2	28	423	2403	1478
July 31, 174		19	28	210	2639	1816	Aug. 23, 310		1	28	488	2562	1757
July 31, 174		20-25	28	210	277	166	Aug. 23, 313		1	28	491	4249	2924
Aug. 1, 176		1	28	212	1465	1028	Aug. 23, 314		1-2	28	491	2490	1611
Aug. 1, 179		1-3	28	215	1118	814	Aug. 23, 316		1	28	492	4833	3346
Aug. 3, 192		1	28	219	1536	1055	Aug. 23, 319		1	28	499	4765	3235
Aug. 3, 194		1-2	28	221	540	392	Aug. 27, 341		1-2	28	504	535	339
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Jan. 12,	23	73	28	601	—	3766	Mch. 2,	177	4	28	807	277	165
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Jan. 16,	24	4-6	28	624	4214	2846	Mch. 2,	181	1	28	814	1230	872
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Feb. 18,	97	1	28	667	4504	3065	Mch. 2,	189	1	28	933	2919	1928
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Feb. 20,	105	1-3	28	673	3495	2335	Mch. 2,	189	1	28	956	833	642
Feb. 25,	128	1	28	680	1624	1119	Mch. 2,	189	1	28	957	5550	3728
Feb. 25,	128	1	28	680	1624	1120	Mch. 2,	189	1	28	958	715	586
Feb. 26,	133	1	28	687	2455	1519	Mch. 2,	189	1	28	958	3756	2590
Feb. 27,	137	1	28	689	1624	1120	Mch. 2,	190	1	28	962	290	173
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Mch. 2,	37	1	29	39	5294	3607	June 8,	370	1	29	262	3875	2653
Mch. 2,	39	1-3	29	42	2490	1603	June 8,	371	1-4	29	263	2998	1978
Mch. 4,	40	1	29	43	2464	1537	June 8,	373	1	29	268	3618	2415
Mch. 6,	46	1	29	45	4693	3232	June 8,	373	1	29	270	2919	1928
Mch. 6,	46	1	29	45	4781	3296	June 8,	373	1	29	275	3578	2395
Mch. 6,	49	1-3	29	54	5255	3551	June 8,	373	1	29	285	416	237
Mch. 13,	54	1	29	57	4702	3242	June 9,	386	1	29	313	3864	2633
Mch. 16,	58	1-3	29	60	2591	1786	June 9,	386	1	29	313	3871	2639
Mch. 16,	59	1	29	60	1284	913	June 9,	386	1	29	315	4005	2724
Mch. 16,	59	1	29	61	1179	841	June 9,	386	1	29	316	3668	2444
Mch. 16,	59	1	29	62	1260	891	June 10,	394	1	29	317	658	541
Mch. 16,	59	1	29	63	1290	917	June 10,	398	1	29	342	2490	1618
Mch. 20,	62	1	29	72	2568	1768	June 10,	398	1	29	343	2413	1486
Mch. 28,	73	1	29	75	182	91	June 10,	399	1	29	361	1556	1072
Apr. 6,	90	1	29	85	2533	1729	June 10,	399	1	29	361	1576	1082
Apr. 24,	120	1-2	29	96	1546	1063	June 10,	399	1	29	361	1417	1007
Apr. 25,	140	1	29	106	527	290	June 10,	399	1	29	361	1440	1019
May 9,	164	1	29	115	2880	1913	June 10,	399	1	29	370	3676	2452
May 11,	168	1-3	29	116	2394	1465	June 10,	399	1	29	370	3721	2501
May 14,	179	2	29	120	2477	1573	June 10,	399	1	29	372	1537	1056
May 15,	182	1-2	29	120	—	975	June 10,	399	1	29	376	1612	1097
May 18,	191	1	29	121	2535	1734	June 10,	400	1-4	29	380	5550	3729
May 18,	192	1	29	121	4249	2925	June 10,	401	1	29	381	—	2868
May 18,	195	1	29	122	2491	1703	June 10,	401	2	29	382	—	2874
May 19,	199	1	29	122	4466	8047	June 10,	403	1-2	29	384	2562	1758
May 19,	200	1	29	123	2603	1798	June 10,	404	1	29	384	2582	1779
May 19,	204	1	29	124	493	276	June 10,	406	1	29	385	4249	2925
May 19,	208	1-5	29	126	5255	3539	June 11,	418	1	29	393	2990	1974
May 21,	212	1-4	29	127	2477	1573	June 11,	420	1	29	413	2464	1555
May 21,	217	1	29	129	2981	1953	June 11,	420	1	29	413	2464	1556
May 22,	231	1	29	133	1673	1147	June 11,	420	1	29	414	3495	2337
May 22,	232	1-2	29	134	2581	1775	June 11,	420	1	29	421	2754	1855
May 25,	238	1	29	135	533	326	June 11,	420	1	29	421	3578	2395
May 25,	239	1	29	136	3719	2499	June 11,	420	1	29	435	—	1490
May 25,	244	1	29	138	4249	2925	June 11,	420	1	29	445	4835	3350
May 28,	252	1	29	143	1825	1244	June 11,	420	1	29	453	3756	2593
May 28,	252	1	29	148	3679	2455	June 11,	422	1-2	29	456	548	429
May 28,	252	1	29	149	2752	1853	June 11,	422	4-5	29	457	548	430
May 28,	252	1	29	171	519	280	June 11,	424	1	29	458	8848	2616
May 28,	252	1	29	176	3785	2507	Dec. 22,	3	1	29	481	782	606
May 28,	252	1	29	177	—	556	1897						
May 28,	252	3	29	179	166	84	Jan. 6,	4	1	29	481	4966	3415
May 28,	252	4	29	179	277	165	Jan. 13,	11	1-4	29	484	2477	1574
May 28,	252	5	29	179	3621	2416	Jan. 15,	29	1-5	29	487	5325	3620
May 28,	252	6-18	29	179	793	611	Jan. 18,	61	1	29	489	4428	3029
May 28,	252		19	29	184	627	499	Jan. 18,	62	1-3	29	490	2490
May 28,	252	19	29	184	1014	717	Jan. 18,	62	5	29	491	2490	1622
May 28,	252	20	29	184	628	501	Jan. 18,	62	7-8	29	490	2490	1623
May 28,	252	21	29	184	847	652	Jan. 20,	67	1	29	491	4178	2830
May 28,	252	23	29	185	885	215	Jan. 20,	67	2	29	491	4178	2831

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Jan. 20, 68		1	29	492	—	556	Mch. 3, 389	1	29	687	4507	3067	
Jan. 21, 83		1	29	494	4249	2926	Mch. 3, 389	2	29	688	4153	2820	
Jan. 28, 92		1	29	497	1216	857	Mch. 3, 389	3	29	688	4576	3104	
Jan. 28, 106	1-2	29	502	540	389		Mch. 3, 389	4	29	689	4541	3065	
Jan. 30, 110		1	29	507	4249	2926	Mch. 3, 389	5	29	689	4233	2896	
Jan. 30, 111	1-2	29	507	2457	1524		Mch. 3, 389	6	29	689	4542	3085	
Feb. 4, 146		1	29	511	1226	866	Mch. 3, 389	7	29	689	4545	3086	
Feb. 5, 167		1	29	511	4216	2847	Mch. 3, 389	8	29	689	4504	3065	
Feb. 5, 167		1	29	511	4219	2853	Mch. 3, 389	9	29	689	4382	2993	
Feb. 8, 172		1	29	512	—	3180	Mch. 3, 389	10	29	689	4165	2825	
Feb. 8, 178	1-5	29	516	548	430		Mch. 3, 389	11	29	690	4234	2902	
Feb. 9, 205		1	29	517	4829	3339	Mch. 3, 389	12	29	690	4233	2897	
Feb. 10, 214		1	29	519	1341	940	Mch. 3, 389	12	29	690	4233	2896	
Feb. 11, 216		1	29	526	2333	1434	Mch. 3, 389	13	29	690	4233	2899	
Feb. 13, 221		1	29	526	1368	989	Mch. 3, 389	14	29	690	4418	3026	
Feb. 13, 223		1	29	527	4249	2927	Mch. 3, 389	15	29	691	2834	1884	
Feb. 15, 231		1	29	530	4414	3020	Mch. 3, 389	16	29	691	4153	2821	
Feb. 16, 234		1	29	530	1212	854	Mch. 3, 389	17	29	691	2797	1871	
Feb. 17, 248		1	29	505	4722	3260	Mch. 3, 389	18	29	691	5347	3631	
Feb. 18, 250		1	29	535	2490	1604	Mch. 3, 389	19	29	691	4511	3068	
Feb. 18, 251		1	29	536	4249	2927	Mch. 3, 389	20	29	691	4153	2821	
Feb. 19, 263		1	29	536	—	547	Mch. 3, 390	1	29	692	705	574	
Feb. 19, 263		1	29	536	—	557	Mch. 3, 391	1	29	692	4886	3382	
Feb. 19, 265		1	29	544	88	48	Mch. 3, 391	2	29	692	4920	3394	
Feb. 19, 265		1	29	546	155	76	Mch. 3, 391	3	29	692	4887	3382	
Feb. 19, 265		1	29	550	277	168	Mch. 3, 391	4	29	692	4894	3384	
Feb. 19, 265		1	29	554	4806	3326	Mch. 3, 391	5	29	692	4898	3387	
Feb. 19, 265		1	29	559	3495	2337	Mch. 3, 391	6	29	692	4921	3395	
Feb. 19, 265		1	29	577	—	776	Mch. 3, 391	7-8	29	692	4894	3385	
Feb. 19, 265		1	29	577	793	618	Mch. 3, 392	1	29	694	4963	3412	
Feb. 19, 265		3	29	578	996	711	Mch. 3, 394	1	29	695	—	2227	
Feb. 20, 268		1	29	590	201	102	Mch. 3, 395	1	29	695	742	589	
Feb. 20, 268		1	29	590	3913	2676	Apr. 23, 1	1	30	10	—	298	
Feb. 20, 269	1-2	29	590	533	321		June 4, 2	1	30	11	—	3768	
Feb. 20, 269	5-9	29	591	533	322		June 4, 2	1	30	11	—	*735	
Feb. 24, 310	1-3	29	592	1661	1133		June 4, 2	1	30	17	2752	1853	
Feb. 24, 311	1-4	29	593	1292	919		June 4, 2	1	30	18	240	132	
Feb. 24, 313	1-3	29	594	2463	1532		June 4, 2	1	30	26	235	129	
Feb. 25, 316	1-2	29	595	1783	1213		June 4, 2	1	30	30	2525	1718	
Feb. 26, 335		1	29	599	2464	1556	June 4, 2	1	30	30	2526	1719	
Feb. 27, 340		1	29	559	3926	2685	June 4, 2	1	30	34	2464	1538	
Feb. 27, 341		1	29	600	767	600	June 4, 2	1	30	39	431	245	
Mch. 2, 354		1	29	600	5238	3514	June 4, 2	1	30	48	3665	2439	
Mch. 2, 358	1-12	29	604	—	3194		June 4, 2	1	30	54	4824	3386	
Mch. 2, 363	1-8	29	618	4066	*538		June 4, 2	1	30	61	3756	2591	
Mch. 2, 366	1-5	29	620	548	435		June 4, 2	1	30	62	3756	2597	
Mch. 3, 372	1-5	29	621	—	976		June 7, 3	1	30	86	192	95	
Mch. 3, 375		1	29	624	1835	1251	June 7, 3	1	30	87	2490	1618	
Mch. 3, 376	1-3	29	624	3511	2344		June 7, 3	11	30	93	3678	2454	
Mch. 3, 377		1	29	625	5459	3684	June 7, 4	1-6	30	96	—	2876	
Mch. 3, 378		1	29	625	4878	3378	June 23, 8	1	30	105	2490	1623	
Mch. 3, 379	1-8	29	626	3297	2150		July 19, 9	1	30	105	88	50	
Mch. 3, 385		1	29	644	413	230	July 19, 9	1	30	105	4830	3342	
Mch. 3, 385		1	29	648	241	133	July 19, 9	1	30	136	64	38	
Mch. 3, 385		1	29	648	3668	2444	July 24, 11	1-8	30	151	2491	1626	
Mch. 3, 385		1	29	648	4020	2736	July 24, 11	9	30	206	3341	2188	
Mch. 3, 386		1	29	658	3676	2452	July 24, 11	10	30	206	3394	2221	
Mch. 3, 386		1	29	661	1528	1051	July 24, 11	11-18	30	207	2491	1694	

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July 24,	11	14	30	207	2981	1955	May 14,	299	12	30	414	2256	1378
July 24,	11	15	30	207	2982	1956	May 14,	299	13	30	415	2319	1424
July 24,	11	16-28	30	208	2491	1696	May 14,	299	14	30	415	3008	1963
July 24,	11	29	30	210	2982	1957	May 17,	339	1-2	30	416	629	516
July 24,	11	30	30	211	3020	1991	May 17,	340	1	30	417	5550	3730
July 24,	11	31	30	211	2491	1701	May 17,	341	1	30	417	2927	1930
July 24,	11	32	30	211	2839	1893	May 18,	344	1-2	30	418	2357	1446
July 24,	11	32	30	211	2907	1924	May 19,	347	1	30	419	3902	2667
July 24,	11	33-34	30	213	2491	1701	May 21,	348	1	30	420	3495	2337
July 24,	13	1	30	214	4228	2856	May 28,	367	1	30	421	1242	880
July 24,	14	2-3	30	215	2207	1357	May 28,	367	2	30	421	1242	881
Dec. 29,	3	1-10	30	226	4398	3011	June 1,	369	1	30	423	535	343
1898													
Jan. 27,	10	1	30	234	2234	1366	June 1,	369	2	30	423	535	344
Feb. 17,	26	1	30	248	4347	2973	June 1,	370	1-12	30	424	—	3205
Feb. 17,	26	2	30	248	4347	2972	June 6,	389	1	30	432	1757	1202
Feb. 17,	26	3	30	248	4347	2973	June 10,	423	1-2	30	440	486	273
Feb. 17,	26	4	30	248	3109	2030	June 13,	446	1	30	440	393	222
Feb. 17,	26	5	30	249	4347	2973	June 13,	446	1	30	442	4002	2720
Feb. 17,	28	1	30	249	2517	1715	June 13,	446	1	30	443	3905	2669
Mch. 11,	57	1	30	274	8480	2323	June 13,	446	1	30	443	3913	2676
Mch. 14,	60	1	30	276	4766	3238	June 13,	446	2	30	444	3948	2697
Mch. 15,	68	1	30	277	268	150	June 13,	446	3	30	444	3860	2631
Mch. 15,	68	1	30	286	2693	1835	June 13,	446	4	30	444	3898	2664
Mch. 15,	68	1	30	288	275	152	June 13,	448	1-3	30	448	—	2286
Mch. 15,	68	1	30	296	3495	2337	June 13,	448	3	30	450	3152	2048
Mch. 15,	68	3	30	316	3683	2457	June 13,	448	4-17	30	450	—	2290
Mch. 15,	68	4	30	277	—	3769	June 13,	448	19-31	30	456	—	2297
Mch. 15,	68	4	30	316	3756	2597	June 13,	448	32	30	466	3693	2476
Mch. 15,	68	6	30	316	8711	2487	June 13,	448	34	30	467	3526	2356
Mch. 15,	68	7	30	316	162	81	June 13,	448	35-49	30	467	—	2241
Mch. 15,	68	8	30	317	846	651	June 13,	448	50	30	470	2491	1703
Mch. 15,	68	9	30	317	3860	2630	June 13,	448	51	30	470	—	2311
Mch. 15,	68	10	30	317	241	133	June 15,	451	1-2	30	471	4249	2927
Mch. 15,	69	1	30	326	1661	1134	June 16,	458	1	30	473	2305	1414
Mch. 15,	69	1	30	326	8716	2495	June 17,	463	1-5	30	474	1406	1001
Mch. 21,	82	1	30	330	2535	1734	June 18,	469	1-4	30	483	1342	961
Mch. 23,	86	1	30	340	4440	3036	June 18,	469	5	30	483	1342	970
Apr. 21,	184	1	30	360	4414	3020	June 18,	469	6	30	483	1120	817
Apr. 21,	186	1	30	361	2568	1768	June 18,	469	7	30	483	1342	963
Apr. 22,	187	1-15	30	361	1242	876	June 23,	494	1	30	487	2578	1773
Apr. 26,	191	3	30	365	1280	910	June 24,	495	1-2	30	487	793	618
Apr. 26,	191	6	30	365	1280	910	June 27,	503	1	30	494	1093	753
Apr. 26,	191	7	30	365	1261	895	June 27,	503	2	30	494	1093	753
Apr. 29,	229	3-4	30	368	2490	1592	June 27,	504	1	30	496	—	776
May 4,	234	1	30	369	1537	1056	June 29,	536	1	30	522	2599	1793
May 4,	234	1	30	373	422	240	June 29,	538	1	30	525	1242	882
May 4,	234	1	30	374	431	245	July 1,	541	1-70	30	544	4972	3418
May 4,	234	1	30	380	1368	990	July 1,	543	1-7	30	570	1835	1251
May 4,	234	1	30	390	1531	1063	July 1,	544	1	30	571	1182	822
May 4,	236	1-2	30	397	548	431	July 1,	546	1	30	597	—	*735
May 11,	292	1	30	404	2477	1573	July 1,	546	1	30	604	2752	1854
May 11,	292	2	30	404	2477	1575	July 1,	546	1	30	604	2756	1855
May 14,	234	1	30	380	1370	991	July 1,	546	1	30	604	4249	2927
May 14,	297	1	30	406	4249	2927	July 1,	546	1	30	605	3578	2395
May 14,	299	1	30	409	2303	1412	July 1,	546	1	30	614	—	2524
May 14,	299	2-9	30	409	2477	1575	July 1,	546	1	30	618	2463	1533
May 14,	299	10	30	413	2394	1469	July 1,	546	1	30	623	4839	3355
May 14,	299	11	30	414	2463	1533	July 1,	546	1	30	624	4863	3366
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July 1, 546		1	30	644	714	579	Feb. 2, 84	1	30	814	2990 1974
July 1, 546		1	30	648	3756	2597	Feb. 8, 121	1	30	822	956 697
July 1, 546		3	30	649	1093	753	Feb. 14, 154	1	30	836	27 12
July 2, 563		1-3	30	651	2324	1428	Feb. 14, 155	1-3	30	836	536 348
July 2, 564		1	30	652	2543	1741	Feb. 20, 168	1	30	838	2567 1761
July 7, 571		1	30	653	162	82	Feb. 21, 172	1	30	839	2990 1975
July 7, 571		1	30	656	3157	2053	Feb. 21, 177	1	30	843	3287 2130
July 7, 571		1	30	661	3546	2369	Feb. 23, 186	1	30	846	607 489
July 7, 571		1	30	672	1816	1238	Feb. 24, 187	1	30	846	— 776
July 7, 571		1	30	674	2394	1466	Feb. 24, 187	1	30	864	162 82
July 7, 571		1	30	682	533	323	Feb. 24, 187	1	30	884	394 223
July 7, 571		1	30	685	540	391	Feb. 24, 187	4	30	890	162 83
July 7, 571		1	30	687	51	22	Feb. 24, 187	4	30	890	1790 1217
July 7, 571		1	30	708	1595	1089	Feb. 27, 205	1	30	892	2403 1480
July 7, 576		1-2	30	717	5391	3652	Feb. 28, 221	1-2	30	908	2464 1543
July 7, 578		1	30	718	4746	3279	Feb. 28, 227	1	30	915	4896 3385
July 7, 583		1	30	721	1233	873	Mch. 1, 325	1	30	957	3709 2487
July 8, 636		1	30	722	1341	941	Mch. 1, 327	1	30	964	4011 2730
July 8, 642		1	30	728	1132	822	Mch. 1, 327	1	30	964	4025 2739
Dec. 21, 28		1	30	755	4516	3071	Mch. 1, 327	1	30	965	3874 2643
Dec. 21, 28		2	30	755	4522	3074	Mch. 1, 327	1	30	965	4017 2735
Dec. 21, 28		3	30	755	4526	3076	Mch. 1, 327	2	30	965	3860 2631
Dec. 21, 28		4	30	756	4529	3077	Mch. 1, 327	3	30	965	4005 2724
Dec. 21, 28		5	30	756	4530	3078	Mch. 1, 327	4	30	966	3913 2676
Dec. 21, 28		6	30	756	4547	3087	Mch. 1, 327	5	30	966	4037 2748
Dec. 21, 28		7	30	757	4556	3092	Mch. 1, 328	1	30	966	2490 1623
Dec. 21, 28		8	30	757	4557	3093	Mch. 2, 350	1	30	976	533 323
Dec. 21, 28		9	30	757	4558	3094	Mch. 2, 351	1	30	977	539 384
Dec. 21, 28		10	30	757	4559	3094	Mch. 2, 351	3	30	977	539 384
Dec. 21, 28		11	30	758	4561	3095	Mch. 2, 352	2	30	977	1102 809
Dec. 21, 28		12	30	758	4564	3097	Mch. 2, 352	2-3	30	977	1280 911
Dec. 21, 28		13	30	758	4566	3098	Mch. 2, 352	3	30	978	1099 808
Dec. 21, 28		14	30	758	4568	3099	Mch. 2, 352	4	30	978	1106 809
Dec. 21, 28		15	30	759	4572	3101	Mch. 2, 352	4	30	978	1118 815
Dec. 21, 28		16	30	759	4581	3107	Mch. 2, 352	4	30	978	1280 911
Dec. 21, 28		17	30	759	4582	3108	Mch. 2, 352	7	30	979	1123 818
Dec. 21, 28		18	30	760	4583	3109	Mch. 2, 352	9	30	979	1280 912
Dec. 21, 28		19	30	760	4596	3113	Mch. 2, 352	16	30	981	1291 918
Dec. 21, 28		20	30	761	4597	3115	Mch. 2, 362	1	30	984	3875 2654
Dec. 21, 28		21	30	761	4600	3116	Mch. 2, 374	1-8	30	990	2477 1581
Dec. 21, 28		22	30	761	4611	3120	Mch. 2, 378	1	30	995	1362 981
Dec. 21, 28		23	30	762	4612	3120	Mch. 2, 379	1	30	995	539 384
Dec. 21, 28		24	30	763	4531	3080	Mch. 2, 393	1-4	30	1002	548 432
Dec. 21, 28		25-26	30	764	4531	3081	Mch. 3, 413	1-7	30	1004	1363 982
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Dec. 21, 29		2	30	764	4439	3035	Mch. 3, 413	10	30	1006	1403 998
Dec. 21, 29		3	30	765	4440	3036	Mch. 3, 413	11	30	1007	1457 1025
Dec. 21, 29		4	30	765	4417	3024	Mch. 3, 413	12	30	1007	1406 999
Dec. 21, 32		1-4	30	769	546	409	Mch. 3, 413	13	30	1007	1556 1072
Dec. 21, 36		1	30	770	1697	1174	Mch. 3, 413	14-15	30	1007	1406 1000
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Feb. 2, 81		1	30	812	548	432	Mch. 3, 413	26	30	1009	1363 985
Feb. 2, 81		3-4	30	813	548	432	Mch. 3, 419	1-33	30	1014	2175 1336
Feb. 2, 83		1	30	814	547	418	Mch. 3, 421	1	30	1024	1556 1073

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Mch. 3,	421	1	30	1024	1596	1092	Apr. 17,	192	1	31	107	3157	2053
Mch. 3,	421	1	30	1027	4813	3328	Apr. 17,	192	1	31	117	415	235
Mch. 3,	421	1	30	1038	425	242	Apr. 17,	192	1	31	117	3666	2443
Mch. 3,	421	1	30	1038	1368	990	Apr. 17,	192	1	31	121	440	252
Mch. 3,	423	2	30	1074	4130	2791	Apr. 17,	192	1	31	132	—	776
Mch. 3,	424	1	30	1074	—	*736	Apr. 18,	244	1	31	136	4716	3256
Mch. 3,	424	1	30	1074	3578	2395	Apr. 18,	245	1	31	136	549	438
Mch. 3,	424	1	30	1081	5255	3552	Apr. 18,	246	1	31	137	2990	1975
Mch. 3,	424	1	30	1085	5593	3749	Apr. 23,	251	1	31	137	4731	3267
Mch. 3,	424	1	30	1097	2464	1543	Apr. 30,	339	87	31	158	3141	2041
Mch. 3,	424	1	30	1098	2413	1487	Apr. 30,	339	88	31	159	2604	1799
Mch. 3,	424	1	30	1101	4869	3371	May 3,	344	1	31	165	539	384
Mch. 3,	424	1	30	1116	370	210	May 5,	349	1	31	169	2463	1532
Mch. 3,	425	1	30	1148	5255	3561	May 5,	349	2	31	170	2463	1532
Mch. 3,	425	7	30	1150	5255	3527	May 5,	349	8	31	170	2463	1533
Mch. 3,	425	9-20	30	1151	5255	3540	May 9,	385	1	31	171	4703	3244
Mch. 3,	426	1	30	1161	1093	751	May 9,	385	1	31	170	4693	3231
Mch. 3,	427	1	30	1233	2477	1584	May 9,	387	1-4	31	172	5255	3548
Mch. 3,	427	1	30	1237	790	609	May 10,	389	1-4	31	174	2175	1351
Mch. 3,	435	1-2	30	1349	3296	2147	May 10,	390	1-2	31	174	546	410
Mch. 3,	441	1	30	1354	941	692	May 12,	391	1	31	175	541	394
Mch. 3,	452	1-4	30	1368	560	453	May 12,	391	2	31	175	541	395
Mch. 3,	454	1	30	1372	2491	1704	May 12,	391	3	31	175	572	471
Mch. 3,	458	1-3	30	1377	1835	1253	May 12,	391	4	31	175	658	536
Mch. 3,	460	1	30	1379	4766	3286	May 12,	391	5-9	31	176	541	395
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Feb. 1,	7	1-3	31	3	2175	1349	May 12,	393	1-3	31	177	3446	2276
Feb. 7,	10	1-9	31	5	547	418	May 17,	479	1-2	31	179	2490	1618
Feb. 7,	11	1	31	6	3852	2622	May 18,	481	1	31	179	537	368
Feb. 9,	13	1	31	7	4843	3356	May 18,	482	1	31	180	534	333
Feb. 10,	15	1-2	31	27	4130	2791	May 19,	484	1	31	180	2490	1614
Feb. 10,	16	1	31	27	548	429	May 21,	487	1	31	181	3005	1962
Feb. 14,	19	1	31	29	4290	2948	May 22,	489	1	31	181	2555	1751
Feb. 19,	22	1-3	31	30	—	2874	May 23,	541	1	31	182	864	663
Feb. 20,	23	2	31	32	5255	3542	May 24,	549	1-3	31	183	547	420
Feb. 20,	23	3	31	32	5255	3547	May 24,	550	1-2	31	183	1427	1014
Feb. 26,	25	1	31	33	1093	758	May 25,	553	1	31	187	526	290
Feb. 26,	25	1	31	33	1093	758	May 25,	553	2-5	31	188	—	3181
Mch. 14,	41	1-3	31	45	3526	2357	May 25,	555	1	31	202	—	301
Mch. 14,	41	4	31	45	235	129	May 25,	555	1	31	202	—	3192
Mch. 14,	41	5	31	47	3526	2358	May 25,	555	1	31	204	—	299
Mch. 14,	41	6	31	47	254	141	May 26,	586	1	31	206	1290	912
Mch. 14,	41	7-9	31	47	3526	2359	May 26,	586	1	31	209	1190	844
Mch. 14,	41	10	31	48	5138	3461	May 26,	586	1	31	209	1260	891
Mch. 14,	41	11	31	48	3697	2478	May 26,	586	1	31	210	1179	841
Mch. 14,	41	12	31	49	5171	3475	May 26,	586	1	31	213	1290	917
Mch. 14,	41	13	31	49	5214	3501	May 26,	586	1	31	216	4837	3353
Mch. 14,	41	14	31	49	3526	2360	May 26,	586	1	31	217	4832	3346
Mch. 23,	89	1	31	50	2533	1729	May 26,	589	1	31	218	2604	1799
Mch. 23,	90	1	31	50	4445	3038	May 26,	590	1	31	218	548	433
Mch. 30,	118	1	31	58	3756	2598	May 26,	590	8-4	31	219	548	433
Mch. 31,	120	1-4	31	58	4252	2940	May 26,	591	1-3	31	219	550	444
Apr. 4,	158	1	31	60	4744	*639	May 29,	594	1-10	31	219	533	326
Apr. 12,	185	1-6	31	73	535	339	May 31,	598	1	31	241	2490	1619
Apr. 12,	186	1	31	74	548	433	May 31,	600	1	31	249	2774	1863
Apr. 12,	188	1	31	75	2990	1975	June 1,	601	1-5	31	249	537	353
Apr. 17,	192	1	31	97	157	77	June 2,	613	1	31	257	3865	2637
Apr. 17,	192	1	31	97	201	*16	June 2,	613	1	31	259	4020	2736
Apr. 17,	192	1	31	107	3145	2044	June 2,	614	1	31	262	4414	3020
Apr. 17,	192	1	31	107	3152	*425	June 2,	615	1-3	31	262	2175	1352

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June 4,	623	1	31	266	2517	1715	Feb. 1,	189	1	31	745	2568	1768
June 5,	714	1	31	266	2990	1975	Feb. 1,	190	1	31	746	1546	1063
June 5,	716	2-3	31	269	2298	1405	Feb. 2,	192	1-32	31	748	1094	784
June 5,	717	1	31	270	953	696	Feb. 2,	192	34	31	757	1094	803
June 6,	781	1-2	31	274	658	541	Feb. 2,	192	86-42	31	757	1094	803
June 6,	784	1-6	31	277	4130	2792	Feb. 4,	195	1	31	759	3255	2111
June 6,	785	1	31	282	—	2525	Feb. 8,	342	1	31	762	1290	918
June 6,	785	1	31	294	4830	3342	Feb. 11,	351	1	31	766	2990	1976
June 6,	789	1	31	577	5498	3708	Feb. 12,	355	1	31	781	531	316
June 6,	791	1	31	591	—	2525	Feb. 12,	355	1-7	31	781	537	360
June 6,	791	1	31	596	4249	2928	Feb. 12,	355	9-14	31	783	537	362
June 6,	791	1	31	611	235	129	Feb. 12,	363	1	31	788	4774	3291
June 6,	791	1	31	611	2164	1305	Feb. 12,	363	1	31	788	4775	3292
June 6,	791	1	31	612	1817	1239	Feb. 15,	872	1	31	790	2477	1584
June 6,	791	1	31	613	1820	1242	Feb. 15,	873	1	31	791	2990	1976
June 6,	791	1	31	613	2243	1371	Feb. 18,	377	1	31	793	5255	3530
June 6,	791	1	31	616	—	776	Feb. 19,	382	1-6	31	798	548	433
June 6,	791	1	31	618	2175	1352	Feb. 20,	383	1	31	798	2990	1976
June 6,	791	1	31	618	2475	1566	Feb. 20,	385	1	31	799	2990	1977
June 6,	791	1	31	620	4865	3369	Feb. 20,	386	1	31	799	4472	3050
June 6,	791	1	31	631	5255	3561	Feb. 23,	465	1-2	31	800	4466	3047
June 6,	791	1	31	632	3756	2599	Feb. 23,	466	1-3	31	801	2175	1353
June 6,	791	1	31	636	4829	3341	Feb. 26,	607	1-4	31	810	1225	865
June 6,	791	1	31	637	282	169	Feb. 27,	614	1	31	815	2477	1585
June 6,	791	1	31	639	846	651	Feb. 27,	615	1	31	816	2581	1776
June 6,	791	1	31	642	98	53	Feb. 28,	621	1-6	31	818	535	341
June 6,	792	4	31	656	1315	931	Mch. 1,	670	1	31	844	4864	3368
June 6,	793	1	31	656	5270	3591	Mch. 1,	674	1	31	847	2304	1413
June 6,	796	1	31	658	2352	1441	Mch. 1,	674	1	31	847	2305	1413
June 6,	797	1	31	658	3592	2405	Mch. 1,	677	1	31	873	1673	1147
June 6,	801	1	31	660	3875	2654	Mch. 2,	800	1-16	31	877	4130	2795
June 6,	803	1	31	660	—	551	Mch. 2,	801	1-7	31	880	545	405
June 6,	806	1	31	662	1661	1131	Mch. 2,	802	1	31	892	1744	1194
June 6,	818	1	31	682	2527	1722	Mch. 2,	802	1	31	898	4122	2779
June 6,	819	1-3	31	682	5255	3552	Mch. 2,	803	1	31	895	4130	2799
June 6,	821	1	31	683	2291	1393	Mch. 2,	803	1	31	896	1291	919
June 7,	859	1	31	685	1566	1077	Mch. 2,	808	1	31	899	1094	805
June 7,	859	1	31	697	1368	990	Mch. 2,	803	1	31	901	1273	903
June 7,	859	1	31	697	4809	3327	Mch. 2,	803	1	31	903	1261	896
June 7,	859	1	31	697	1556	1073	Mch. 2,	803	1	31	905	3716	2495
June 7,	859	1	31	702	424	241	Mch. 2,	803	1	31	910	277	168
June 7,	859	1	31	708	1462	1027	Mch. 2,	808	1	31	910	1673	1145
June 7,	859	1	31	708	1514	1043	Mch. 2,	808	1	31	910	1673	1148
June 7,	860	1	31	708	1290	917	Mch. 2,	804	1	31	911	1319	932
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Jan. 14,	12	1-2	31	730	2448	1515	Mch. 2,	804	1	31	912	1111	810
Jan. 14,	13	1	31	730	537	353	Mch. 2,	804	1	31	914	1338	937
Jan. 14,	13	2	31	730	537	354	Mch. 2,	804	1	31	920	1341	941
Jan. 16,	92	1-2	31	733	533	323	Mch. 2,	805	1	31	926	—	3193
Jan. 16,	93	1-5	31	733	20	9	Mch. 2,	805	1	31	929	—	3223
Jan. 19,	102	1	31	735	547	420	Mch. 2,	806	1	31	938	—	2286
Jan. 19,	102	3	31	735	547	421	Mch. 2,	806	2	31	938	—	2288
Jan. 22,	105	1	31	736	531	316	Mch. 2,	806	3-4	31	939	—	2311
Jan. 22,	105	1-7	31	736	549	440	Mch. 2,	806	5	31	940	—	2291
Jan. 22,	105	9-14	31	737	549	442	Mch. 2,	806	6	31	940	—	2293
Jan. 24,	164	1-8	31	739	540	389	Mch. 2,	806	7	31	941	—	2296
Jan. 26,	180	1	31	740	2490	1620	Mch. 2,	806	8	31	942	—	2305
Jan. 28,	184	5	31	745	4832	3346	Mch. 2,	806	9	31	946	—	2306
Jan. 31,	186	1	31	745	2333	1435	Mch. 2,	806	10	31	946	—	2308

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Mch. 2, 806		12	31	949	—	2312	Mch. 3, 858		1	31	1437	2604	1799
Mch. 2, 806		13	31	949	—	2242	Mch. 3, 861		1	31	1439	2517	1715
Mch. 2, 808	14-15	81	950	—	2312	1384	Mch. 3, 862		1	31	1439	2463	1534
Mch. 2, 808		1	81	950	2276	1384	Mch. 3, 863		1	31	1440	1536	1055
Mch. 2, 809	1-2	81	950	1342	965	92	Mch. 3, 865		1	31	1445	4708	3247
Mch. 2, 809		3	81	951	183	92	Mch. 3, 865		2	31	1446	4708	3248
Mch. 2, 809		4	31	951	1342	963	Mch. 3, 866	1-4	31	1446	—	3176	
Mch. 2, 809		5	31	951	1342	955	Mch. 3, 867		1	31	1446	3518	2350
Mch. 2, 814		1	31	956	627	500	Mch. 3, 871		1	31	1448	5153	3465
Mch. 3, 830		1	31	960	69	41	Mch. 3, 872	1-6	31	1449	3570	2383	
Mch. 3, 830		1	31	962	52	27	Mch. 3, 872	8-10	31	1450	3570	2384	
Mch. 3, 830		1	31	963	1825	1244	Mch. 3, 873		1	31	1450	5546	3723
Mch. 3, 830		1	31	964	98	53	Mch. 3, 881		1	31	1458	548	434
Mch. 3, 830		1	31	968	53	81	<b>1902</b>						
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Mch. 3, 830		1	31	1000	—	283	Feb. 14, 17		1	32	20	2256	*316
Mch. 3, 830		1	31	1003	2227	1363	Feb. 14, 17		1	32	24	4130	*549
Mch. 3, 830		1	31	1005	3925	2685	Feb. 14, 17		1	32	26	3690	*490
Mch. 3, 830		5	31	1009	3699	2445	Feb. 14, 18	1-3	32	33	5382	*723	
Mch. 3, 831		1	31	1023	5200	3576	Feb. 15, 23		1	32	34	4400	*570
Mch. 3, 831		1	31	1030	3675	2449	Feb. 26, 83		1	32	42	535	*84
Mch. 3, 831		1	31	1037	2464	1544	Feb. 27, 34	1-2	32	43	3484	*452	
Mch. 3, 831		1	31	1039	1835	1255	Feb. 28, 134	13-23	32	47	2477	*370	
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Mch. 3, 836		1	31	1086	4796	3317	Mch. 8, 140	6-7	32	55	2982	*420	
Mch. 3, 836	10-12	31	1086	4796	3317	1977	Mch. 8, 140	8	32	55	2839	*418	
Mch. 3, 837		1	31	1087	2990	1977	Mch. 8, 140	9	32	55	5331	*718	
Mch. 3, 845	1-4	31	1093	2164	1327	1003	Mch. 10, 143		1	32	58	4249	*560
Mch. 3, 850		1	31	1099	1407	1003	Mch. 10, 144		1	32	58	537	*99
Mch. 3, 851		1	31	1102	3860	2631	Mch. 10, 147		1	32	62	4785	*641
Mch. 3, 851		1	31	1107	3875	2655	Mch. 11, 180		1	32	63	2477	*384
Mch. 3, 852		1	31	1107	1571	1080	Mch. 11, 182		1	32	63	2294	*322
Mch. 3, 852		1	31	1108	1507	1040	Mch. 11, 183	1-20	32	64	548	*111	
Mch. 3, 852		1	31	1109	1566	1078	Mch. 18, 222	1-6	32	72	533	*80	
Mch. 3, 852		1	31	1120	416	237	Mch. 22, 272		1	32	81	4130	*550
Mch. 3, 852		1	31	1122	434	246	Mch. 22, 273		1	32	88	1778	*254
Mch. 3, 852		1	31	1129	1367	987	Apr. 11, 417		1	32	95	4683	*662
Mch. 3, 852		1	31	1130	1615	1098	Apr. 12, 500	1-8	32	96	—	*444	
Mch. 3, 852		1	31	1132	1608	1095	Apr. 12, 500	9	32	99	—	*439	
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Mch. 3, 853		1	31	1147	5583	3745	Apr. 12, 503		1	32	102	5136	*682
Mch. 3, 853		1	31	1155	235	130	Apr. 15, 508		1	32	106	543	*105
Mch. 3, 853		1	31	1158	2464	1544	Apr. 17, 530		1	32	106	607	*139
Mch. 3, 853		1	31	1159	2411	1482	Apr. 21, 563		1	32	112	3874	*518
Mch. 3, 853		1	31	1161	3668	2445	Apr. 21, 563		1	32	114	3735	*488
Mch. 3, 853		1	31	1163	4843	3357	Apr. 21, 563		1	32	114	3942	*526
Mch. 3, 853		1	31	1175	4837	3353	Apr. 21, 563		1	32	117	3914	*524
Mch. 3, 853		1	31	1178	4829	3341	Apr. 28, 592		1	32	120	2399	*334
Mch. 3, 853		1	31	1178	4834	3350	Apr. 28, 594		1	32	125	1816	*262
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Apr. 29,	637	1	32	172	4197	*557	June 28,	1302	1-8	32	481	5255	*707
Apr. 29,	640	1-2	32	176	—	*890	June 28,	1303	1-2	32	484	4249	*561
Apr. 29,	641	1-2	32	176	—	*295	June 28,	1304	1	32	484	2581	*404
Apr. 29,	641	8	32	177	—	*273	June 28,	1306	1	32	485	4130	*552
Apr. 29,	641	4	32	177	—	*297	June 28,	1307	1	32	485	2593	*406
May 3,	683	1-2	32	188	2276	*318	June 28,	1312	1	32	492	3157	*427
May 7,	778	1	32	190	2555	*400	June 30,	1325	4	32	506	—	*303
May 9,	783	1	32	193	4929	*666	June 30,	1327	1	32	506	3446	*442
May 9,	784	1-7	32	193	—	*432	June 30,	1328	1	32	508	1265	*197
May 9,	784	1	32	193	—	*607	June 30,	1328	1	32	509	1094	*170
May 9,	785	1-4	32	197	545	*109	June 30,	1328	1	32	511	1254	*193
May 14,	790	1	32	199	658	*144	June 30,	1328	1	32	511	1273	*198
May 22,	820	1-3	32	202	2475	*362	June 30,	1328	1	32	512	1260	*195
May 22,	821	1-2	32	203	2477	*385	June 30,	1328	1	32	515	2477	*381
May 31,	945	1	32	283	2477	*380	June 30,	1328	1	82	520	1667	*237
June 3,	983	1	32	285	526	*55	June 30,	1331	1-2	32	546	1709	*249
June 3,	984	1	32	285	4249	*561	June 30,	1333	1-5	32	548	—	*147
June 3,	985	1	32	290	—	*62	June 30,	1335	1-8	32	549	545	*107
June 3,	985	1	32	303	522	*53	June 30,	1336	1-2	32	549	545	*108
June 3,	985	1	32	303	3648	*470	June 30,	1337	1	32	549	4130	*552
June 3,	985	1	32	303	3668	*474	June 30,	1338	1-9	32	550	535	*84
June 4,	989	1	32	304	549	*130	June 30,	1339	1-4	82	551	549	*123
June 9,	1071	1-4	32	329	—	*146	July 1,	1351	1	32	556	2035	*266
June 13,	1079	1	32	361	5255	*704	July 1,	1351	1	32	558	4249	*561
June 13,	1079	1	32	367	5255	*702	July 1,	1351	1	32	560	3678	*478
June 13,	1079	1	32	371	5255	*698	July 1,	1351	1	32	564	4832	*651
June 13,	1079	8	32	372	5253	*696	July 1,	1351	1	32	571	—	*308
June 13,	1079	4	32	371	5255	*698	July 1,	1353	1	32	629	224	*23
June 13,	1079	5	32	371	5255	*698	July 1,	1355	1-6	32	630	683	*151
June 13,	1079	6	32	374	5255	*697	July 1,	1357	1-2	32	632	—	*612
June 13,	1079	9	32	374	5252	*695	July 1,	1359	1	82	636	2997	*422
June 13,	1079	10	32	374	5255	*704	July 1,	1368	1	82	663	1556	*214
June 13,	1079	11	32	374	5255	*697	July 1,	1368	1	82	663	1566	*215
June 13,	1079	12	32	375	5255	*704	July 1,	1368	1	82	671	1363	*204
June 14,	1088	1	32	386	4075	*542	July 1,	1368	1	32	679	1580	*216
June 14,	1088	2	32	386	4076	*542	July 1,	1368	1	32	680	1581	*216
June 14,	1088	3	32	386	4078	*543	July 1,	1368	1	32	680	1585	*218
June 17,	1093	1-10	82	388	2463	*349	July 1,	1368	1	32	686	1512	*209
June 18,	1123	1	32	392	4130	*551	July 1,	1368	1	32	686	1596	*219
June 21,	1138	1	32	396	852	*162	July 1,	1369	2	32	692	—	*391
June 21,	1140	1-3	32	397	5550	*731	July 1,	1369	10	32	695	702	*154
June 24,	1155	1	32	398	4139	*555	July 1,	1369	76-83	32	710	3568	*457
June 24,	1155	2	32	399	4314	*565	July 1,	1369	84	32	711	2770	*415
June 27,	1156	1	32	399	4740	*637	July 1,	1369	85	32	711	3592	*468
June 27,	1160	1-4	32	406	—	*449	July 1,	1369	87	32	712	215	*20
June 28,	1299	1	32	408	5255	*700	July 1,	1370	1-9	32	712	4796	*642
June 28,	1300	1	32	409	1309	*201	July 1,	1371	1	32	714	3362	*430
June 28,	1300	1	32	409	1339	*202	July 1,	1371	2	32	715	3394	*431
June 28,	1300	1	32	410	1315	*202	July 1,	1372	1	32	715	2529	*396
June 28,	1301	1	32	423	—	*491	July 1,	1376	1-8	82	727	5356	*722
June 28,	1301	1	32	433	3608	*475	July 1,	1379	1	82	730	2743	*410
June 28,	1301	1	32	449	4718	*635	July 1,	1386	1	32	733	2477	*379
June 28,	1301	1	32	455	3678	*477	Dec. 15,	1	1	32	753	2970	*419
June 28,	1301	1	32	464	—	*661	Dec. 16,	2	1	32	753	2737	*410
June 28,	1301	1	32	472	4829	*649	Dec. 18,	4	1-5	32	756	—	*148
June 28,	1301	1	32	474	4130	*551	Dec. 18,	5	1-2	32	756	2276	*319
June 28,	1301	1	82	475	833	*160	Dec. 23,	11	1	82	760	2997	*422
June 28,	1801	1	82	475	5277	*714							

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Jan. 9, 63		1-6	32	765	2475	*2363	Mch. 2, 975		1	32	933	1260	*195
Jan. 12, 90		1	32	767	—	*309	Mch. 2, 975		1	32	934	1260	*195
Jan. 13, 134		1	32	770	3296	*429	Mch. 2, 975		1	32	934	1268	*197
Jan. 14, 186		1-8	32	770	3568	*460	Mch. 2, 975		1	32	939	1137	*183
Jan. 15, 189		1-2	32	773	—	*392	Mch. 2, 975		1	32	941	1661	*232
Jan. 15, 190		1	32	773	4698	*631	Mch. 2, 976		1-3	32	943	—	*603
Jan. 21, 196		1-26	32	775	1625	*222	Mch. 2, 977		1	32	944	4698	*631
Jan. 22, 197		1	32	780	2594	*406	Mch. 2, 980		1-3	32	952	3568	*461
Jan. 30, 335		1-5	32	784	—	*149	Mch. 2, 980		5-13	32	952	3568	*461
Jan. 30, 338		1	32	786	—	*503	Mch. 2, 982		1	32	955	2997	*422
Jan. 31, 344		1-5	32	790	2246	*313	Mch. 2, 990		1	32	955	278	*28
Jan. 31, 345		1	32	791	607	*139	Mch. 3, 993		1	32	982	4249	*562
Jan. 31, 346		1	32	791	549	*130	Mch. 3, 995		1	32	1011	1315	*202
Feb. 2, 349		1	32	791	—	*613	Mch. 3, 995		1	32	1012	1309	*201
Feb. 2, 351		1-4	32	793	5342	*719	Mch. 3, 998		1	32	1023	—	*392
Feb. 3, 398		1-4	32	794	549	*124	Mch. 3, 1002		1	32	1028	2308	*328
Feb. 3, 400		1-2	32	795	533	*81	Mch. 3, 1006		1	32	1040	—	*450
Feb. 4, 402		1-3	32	795	551	*132	Mch. 3, 1006		1	32	1043	4850	*654
Feb. 5, 487		1	32	797	—	*682	Mch. 3, 1006		1	32	1048	3484	*453
Feb. 5, 487		2-5	32	797	—	*683	Mch. 3, 1006		1	32	1062	—	*604
Feb. 5, 487		6-8	32	798	—	*685	Mch. 3, 1006		1	32	1069	4130	*553
Feb. 5, 487		9-11	32	799	—	*687	Mch. 3, 1006		1	32	1082	—	*72
Feb. 5, 487		12-13	32	799	—	*688	Mch. 3, 1006		1	32	1082	3668	*476
Feb. 5, 487		14-18	32	800	—	*689	Mch. 3, 1007		1	32	1109	3526	*456
Feb. 9, 527		1-2	32	805	551	*133	Mch. 3, 1007		1	32	1112	3751	*495
Feb. 9, 529		1	32	806	1014	*164	Mch. 3, 1007		1	32	1113	2038	*266
Feb. 9, 529		2	32	807	5279	*716	Mch. 3, 1007		1	32	1119	517	*51
Feb. 9, 531		1	32	820	2477	*386	Mch. 3, 1007		1	32	1122	1835	*263
Feb. 9, 532		1-4	32	820	548	*119	Mch. 3, 1007		1	32	1130	2475	*366
Feb. 9, 533		1-4	32	820	532	*75	Mch. 3, 1007		1	32	1137	4830	*650
Feb. 11, 543		1	32	822	2477	*381	Mch. 3, 1007		1	32	1141	793	*158
Feb. 11, 544		1-2	32	823	—	*622	Mch. 3, 1007		1	32	1144	—	*166
Feb. 12, 547		1	32	825	714	*155	Mch. 3, 1007		1	32	1145	—	*503
Feb. 12, 548		1	32	825	2333	*331	Mch. 3, 1007		1	32	1146	—	*504
Feb. 14, 552		1-10	32	825	—	*63	Mch. 3, 1009		1	32	1169	3921	*525
Feb. 14, 552		11	32	830	201	*17	Mch. 3, 1009		1	32	1174	3926	*525
Feb. 14, 552		12-13	32	830	—	*71	Mch. 3, 1009		1	32	1175	4017	*531
Feb. 14, 553		1-5	32	830	1094	*171	Mch. 3, 1009		1	32	1168	3858	*514
Feb. 16, 554		1-6	32	832	532	*75	Mch. 3, 1009		2	32	1175	3874	*520
Feb. 16, 555		1-3	32	833	533	*82	Mch. 3, 1009		4	32	1176	3869	*517
Feb. 19, 706		1	32	841	548	*122	Mch. 3, 1009		5	32	1176	4005	*529
Feb. 19, 708		1-5	32	847	—	*599	Mch. 3, 1009		6	32	1176	408	*39
Feb. 19, 709		1-2	32	849	537	*98	Mch. 3, 1009		9	32	1176	3898	*523
Feb. 23, 749		1-2	32	852	543	*106	Mch. 3, 1010		1	32	1197	1363	*205
Feb. 24, 753		1	32	854	2855	*418	Mch. 3, 1010		1	32	1197	1367	*206
Feb. 25, 755		1	32	865	98	*10	Mch. 3, 1010		1	32	1197	1512	*209
Feb. 25, 755		1	32	866	201	*17	Mch. 3, 1010		1	32	1198	1596	*220
Feb. 25, 755		1	32	869	2752	*414	Mch. 3, 1012		1-33	32	1213	—	*274
Feb. 25, 755		1	32	884	217	*22	Mch. 3, 1012		34	32	1221	1815	*260
Feb. 25, 755		1	32	885	1167	*184	Mch. 3, 1012		35-38	32	1221	—	*290
Feb. 25, 755		1	32	893	446	*46	Mch. 3, 1012		39	32	1222	2165	*299
Feb. 25, 755		1	32	904	—	*602	Mch. 3, 1014		1	32	1223	5192	*693
Feb. 28, 858		1-3	32	920	4708	*633	Mch. 3, 1015		1	32	1223	5462	*725
Mch. 2, 974		1-4	32	926	548	*120	Mch. 3, 1019		1	32	1225	4887	*663
Mch. 2, 975		1	32	929	1280	*200	Mch. 3, 1019		2	32	1226	4892	*664
Mch. 2, 975		1	32	929	3716	*485	Mch. 3, 1019		3	32	1226	4896	*665
Mch. 2, 975		1	32	930	1094	*173	Mch. 3, 1019		4	32	1227	4902	*666
Mch. 2, 975		1	32	930	1179	*185	Mch. 3, 1021		1	32	1228	4781	*636
Mch. 2, 975		1	32	932	1259	*194	Dec. 17, 1		1-2	33	8	—	*393
Mch. 2, 975		1	32	932	1275	*190							

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Jan. 30,	39	1	33	9	—	*504	Apr. 23,	1485	1	33	264	1259	*194
Jan. 30,	40	1	33	9	2544	*399	Apr. 23,	1485	1	33	264	1260	*196
Feb. 6,	151	1	33	11	2602	*407	Apr. 23,	1485	1	33	265	1660	*231
Feb. 9,	153	1-2	33	11	537	*101	Apr. 23,	1485	1	33	265	3678	*478
Feb. 18,	160	1	33	28	1587	*218	Apr. 23,	1485	1	33	266	1273	*198
Feb. 18,	160	1	33	41	1089	*165	Apr. 23,	1485	1	33	273	1178	*184
Feb. 18,	160	1	33	41	4130	*554	Apr. 23,	1485	1	33	274	1216	*187
Feb. 24,	163	1	33	50	549	*130	Apr. 23,	1485	1	33	275	1661	*233
Mch. 1,	388	1	33	58	—	*310	Apr. 23,	1485	1	33	275	3716	*486
Mch. 4,	394	1	33	59	2294	*322	Apr. 23,	1485	1	33	276	1663	*235
Mch. 4,	395	1	33	59	658	*150	Apr. 23,	1485	1	33	276	1667	*237
Mch. 9,	503	1-2	33	64	2457	*337	Apr. 23,	1491	1	33	298	2289	*321
Mch. 11,	505	1-2	33	65	2477	*377	Apr. 23,	1496	1	33	306	2477	*383
Mch. 16,	550	1-2	33	83	2256	*317	Apr. 25,	1600	1	33	306	2477	*388
Mch. 18,	715	1-2	33	85	2581	*405	Apr. 26,	1603	1-2	33	308	4534	*592
Mch. 18,	716	1	33	104	4796	*646	Apr. 27,	1610	1	33	313	540	*104
Mch. 18,	716	1	33	106	3152	*426	Apr. 27,	1612	1	33	313	3913	*523
Mch. 18,	716	1	33	109	3495	*455	Apr. 27,	1618	1-7	32	1043	4850	*654
Mch. 18,	716	1	33	111	3665	*473	Apr. 27,	1621	1	33	324	4249	*562
Mch. 18,	716	1	33	115	215	*20	Apr. 27,	1622	1	33	337	1546	*213
Mch. 18,	716	1	33	117	416	*40	Apr. 27,	1622	1	33	345	1399	*207
Mch. 18,	716	1	33	135	349	*34	Apr. 27,	1622	1	33	346	1367	*206
Mch. 18,	716	1	33	137	—	*310	Apr. 27,	1622	1	33	349	1622	*221
Mch. 18,	716	1	33	139	—	*297	Apr. 27,	1625	1-2	33	362	3095	*424
Mch. 18,	716	3	33	142	1765	*253	Apr. 27,	1626	8	33	362	—	*305
Mch. 18,	716	3	33	142	1790	*255	Apr. 27,	1627	1	33	362	2997	*423
Mch. 22,	748	1	33	144	2238	*313	Apr. 27,	1630	1	33	394	1690	*247
Mch. 22,	749	1	33	144	—	*274	Apr. 27,	1630	1	33	398	3663	*472
Mch. 24,	815	1	33	145	2535	*398	Apr. 27,	1630	1	33	401	215	*21
Mch. 28,	849	1-2	33	152	550	*131	Apr. 27,	1630	1	33	401	3484	*453
Apr. 1,	857	1	33	155	551	*133	Apr. 27,	1630	1	33	403	418	*42
Apr. 6,	862	1	33	159	—	*507	Apr. 27,	1630	1	33	403	1566	*215
Apr. 7,	940	1	33	161	535	*86	Apr. 27,	1630	5	33	428	—	*295
Apr. 8,	945	1	33	163	4698	*632	Apr. 28,	1486	1	33	283	526	*55
Apr. 8,	947	1	33	164	540	*102	Apr. 28,	1758	1-2	33	429	5255	*711
Apr. 11,	1140	1	33	168	4504	*591	Apr. 28,	1759	1	33	435	3738	*489
Apr. 12,	1245	1	33	171	2517	*396	Apr. 28,	1759	1	33	439	161	*12
Apr. 12,	1246	1	33	171	2568	*403	Apr. 28,	1759	1	33	439	3874	*521
Apr. 12,	1249	1	33	173	2475	*356	Apr. 28,	1759	1	33	439	3943	*528
Apr. 13,	1252	1-2	33	174	4607	*593	Apr. 28,	1759	2	33	440	3896	*522
Apr. 15,	1314	1-8	33	181	4347	*566	Apr. 28,	1759	3	33	440	3732	*488
Apr. 19,	1396	1	33	185	891	*163	Apr. 28,	1759	4	33	440	4017	*532
Apr. 19,	1398	1	33	186	454	*47	Apr. 28,	1759	7	33	441	3913	*524
Apr. 20,	1400	1-13	33	187	2475	*365	Apr. 28,	1759	8	33	441	3831	*513
Apr. 21,	1402	1	33	211	2457	*338	Apr. 28,	1762	1	33	460	3617	*468
Apr. 21,	1402	6	33	217	469	*49	Apr. 28,	1762	1	33	465	2542	*399
Apr. 21,	1403	1-4	33	225	1225	*190	Apr. 28,	1762	1	33	478	—	*298
Apr. 21,	1404	1-4	33	226	1094	*175	Apr. 28,	1762	1	33	485	—	*167
Apr. 22,	1413	1	32	242	4249	*562	Apr. 28,	1762	1	33	488	2038	*267
Apr. 22,	1414	1	33	242	2566	*401	Apr. 28,	1762	1	33	497	—	*492
Apr. 22,	1414	2	33	243	2567	*402	Apr. 28,	1762	1	33	503	4830	*650
Apr. 22,	1414	3	33	243	2566	*402	Apr. 28,	1762	1	33	507	—	*605
Apr. 22,	1415	1-2	33	243	2477	*382	Apr. 28,	1762	4	33	513	1763	*252
Apr. 22,	1419	1-2	33	249	548	*122	Apr. 28,	1766	1	33	518	3716	*486
Apr. 22,	1420	1	33	784	—	*149	Apr. 28,	1770	1	33	522	4249	*563
Apr. 22,	1421	1-3	33	249	549	*125	Apr. 28,	1772	1-4	33	525	2352	*332
Apr. 22,	1422	1-2	33	250	543	*106	Apr. 28,	1775	1	33	527	582	*138
Apr. 23,	1485	1	33	260	1280	*200	Apr. 28,	1776	1-3	33	527	2298	*324
Apr. 23,	1485	1	33	261	1094	*176	Apr. 28,	1783	1	33	538	2529	*397

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Apr. 28, 1785		1	33	539	2546	*400	Mch. 2, 1305	1-12	33	824	549	*128	
Apr. 28, 1791		1	33	542	—	*508	Mch. 2, 1306	1	33	826	2787	*417	
Apr. 28, 1796		1	33	545	2327	*331	Mch. 2, 1307	1	33	829	1094	*179	
Apr. 28, 1797		1-3	33	545	547	*110	Mch. 2, 1307	1	33	831	1275	*199	
Apr. 28, 1800		1	33	546	537	*97	Mch. 2, 1307	1	33	832	1188	*185	
Apr. 28, 1800		2-4	33	547	537	*97	Mch. 2, 1307	1	33	834	1270	*198	
Apr. 28, 1801		1-3	33	547	2298	*325	Mch. 2, 1307	1	33	836	1240	*192	
Apr. 28, 1802		1	33	548	549	*131	Mch. 2, 1307	1	33	837	1137	*183	
Apr. 28, 1807		1	33	554	2592	*405	Mch. 2, 1307	1	33	840	1133	*183	
Apr. 28, 1825		1	33	574	2601	*407	Mch. 2, 1307	1	33	841	1216	*188	
Dec. 20, 20		1	33	595	1219	*190	Mch. 2, 1307	1	33	841	1667	*237	
1905													
Jan. 5, 23		1-7	33	599	4130	*544	Mch. 2, 1308	1-4	33	841	537	*100	
Jan. 20, 50		1-2	33	610	—	*500	Mch. 2, 1311	1	33	843	—	*394	
Jan. 21, 51		1	33	611	607	*140	Mch. 2, 1481	1	33	1111	424	*42	
Jan. 21, 52		1-4	33	612	548	*121	Mch. 3, 1402	1	33	847	3668	*476	
Jan. 24, 137		1-3	33	614	2463	*343	Mch. 3, 1404	1	33	850	1309	*201	
Jan. 31, 287		1	33	626	540	*103	Mch. 3, 1404	1	33	850	1338	*202	
Jan. 31, 287		2-8	33	627	540	*103	Mch. 3, 1404	1	33	853	1111	*181	
Feb. 1, 281		4	33	628	2477	*378	Mch. 3, 1405	1	33	863	—	*60	
Feb. 1, 288		1	33	628	2463	*343	Mch. 3, 1405	1	33	864	—	*60	
Feb. 1, 288		2	33	628	2463	*338	Mch. 3, 1405	1	33	864	—	*615	
Feb. 1, 288		3	33	628	2463	*344	Mch. 3, 1405	1	33	869	—	*626	
Feb. 1, 288		4	33	628	2477	*378	Mch. 3, 1405	1	33	870	527	*56	
Feb. 1, 288		5	33	628	2463	*344	Mch. 3, 1405	1	33	872	2463	*347	
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<b>1874</b>							<b>1880</b>						
Jan. 8,	1	1	18	285	1676	1153	June 7,	44	1	21	308	3756	2587
Mch. 24,	6	1	18	286	3735	2506	June 7,	44	1	21	308	—	3764
<b>1876</b>							<b>1881</b>						
May 8,	10	1	19	213	3244	2100	Mch. 3,	26	1	21	521	3570	2379
July 3,	13	1	19	214	1667	1138	<b>1883</b>						
July 22,	17	1	19	215	3575	2391	Mch. 3,	22	1-3	22	641	2866	1906
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<b>1877</b>							<b>1885</b>						
Mch. 3,	7	1	19	410	1667	1138	Jan. 6,	5	1	23	516	1790	1216
<b>1878</b>							<b>1886</b>						
May 22,	22	1	20	251	—	3763	May 1,	12	1	24	342	2990	1969
June 7,	26	1	20	252	1667	1139	June 28,	15	1	24	342	53	31
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<b>1879</b>							Mch. 3,	16	1	24	647	—	1490
June 14,	6	1	21	50	4796	3309							

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<b>1890</b>							<b>1900</b>						
Aug. 28,	41	1	26	678	94	51	May 25,	27	1	31	717	3756	2599
Sept. 1,	43	1	26	679	4714	3253	June 2,	30	1	31	718	3756	2599
Sept. 25,	50	1	26	681	1227	867	<b>1901</b>						
Sept. 30,	59	1	26	684	2297	1400	Feb. 23,	8	1	31	1462	3756	2600
<b>1891</b>							Mch. 2,	16	1-3	31	1464	3756	2601
Feb. 5,	9	1	26	1113	1687	1140	Mch. 2,	16	1	31	1464	—	3769
Mch. 3,	17	1	26	1115	—	554	Mch. 2,	17	1	31	1465	3756	2602
Mch. 3,	21	1	26	1117	4826	8338	<b>1902</b>						
<b>1892</b>							Feb. 7,	5	1	32	735	82	*8
Apr. 12,	8	1	27	395	1835	1250	Feb. 21,	6	1	32	736	98	*9
Dec. 13,	1	1	27	752	815	185	Feb. 26,	7	1	32	736	3446	*441
<b>1893</b>							May 13,	20	1	32	740	—	*500
Mch. 3,	21	1	27	757	51	22	May 16,	22	1	32	741	—	*501
Sept. 1,	4	1	28	11	2394	1465	May 19,	23	1	32	741	—	*501
Oct. 31,	13	1	28	13	4130	2788	June 30,	36	1	32	746	—	*502
Dec. 7,	1	1	28	575	2164	1324	June 30,	40	1	32	747	—	*308
<b>1894</b>							July 1,	42	1-2	32	750	4693	*629
Jan. 27,	9	1	28	577	94	52	<b>1903</b>						
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May 5,	24	1	28	582	3648	2425	Feb. 11,	7	1	32	1231	—	*309
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<b>1896</b>							Mch. 29,	14	1	33	585	—	*506
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